

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*In compliance with a resolution of the Senate, papers in relation to  
the seizure of the American ship Admittance.*

AUGUST 10, 1848.

Read, and ordered to be printed.

*To the Senate of the United States:*

I communicate herewith a report of the Secretary of the Navy, together with the accompanying documents, in answer to a resolution of the Senate of the 18th July, 1848, requesting the President to communicate to that body "any information which may be in the possession of the Executive, relating to the seizure or capture of the American ship Admittance, on the coast of California, by a vessel of war of the United States, and whether any, and what, proceedings have occurred in regard to said vessel or her cargo, and to furnish the Senate with copies of all documents, papers, and communications in the possession of the Executive relating to the same.

JAMES K. POLK.

WASHINGTON, *August 10, 1848.*

NAVY DEPARTMENT, *August 10, 1848.*

SIR: In obedience to your directions, and in answer to the resolution of the Senate of the 18th July ultimo, I have the honor to transmit copies of correspondence and papers on file, which contain all the information in possession of this department, relating to the seizure or capture of the American ship Admittance, on the coast of California, by a vessel of war of the United States. The papers and documents transmitted, show "what proceedings have occurred in regard to the said vessel or her cargo," so far as they are known to this department.

I have the honor to be, very respectfully, your obedient servant,  
J. Y. MASON.

To the PRESIDENT.

NAVY DEPARTMENT, *September 15, 1847.*

SIR: The Secretary of State has referred to this department your letter to him of the 9th instant, with its enclosures.

No despatch has yet been received from the commander of the United States squadron in the Pacific, reporting the seizure of the ship *Admittance*. The department will cause an immediate inquiry into the matter, and inform you of the result.

I am, respectfully, your obedient servant,

J. Y. MASON.

CHARLES B. FESSENDEN, Esq., *Boston.*

COLEMAN'S HOTEL,  
*Washington, D. C., Feb'y 23, 1848.*

SIR: Referring you to a copy of the protest of Peter Peterson, master of the American ship *Admittance*, seized at San José by the United States ship *Portsmouth*, as also to a copy of the charter party of said ship, both of which were forwarded to you by Charles B. Fessenden, of Boston, joint owner of the said ship with myself, I have now respectfully to ask the prompt discharge from seizure, or, in case a sale of the same has been made, that the proceeds be retained and not distributed among the captors of said ship, until the owners of the same shall have had an opportunity of being heard. The undersigned has been advised that the seizure of the said ship was wholly illegal, and that the subsequent proceedings are a gross violation of justice, without precedent or authority; and knowing the desire professed by the government to protect the commerce of its citizens, he is unwilling yet to believe that the grievances complained of by Captain Peterson—by which the undersigned is a great pecuniary sufferer—will be allowed to remain long unredressed. The undersigned has his residence in Boston, to which city any communications addressed to Charles B. Fessenden, esq., will be promptly attended to.

Very respectfully, our obedient servant,

RICHARD S. FAY.

To the Hon. JOHN Y. MASON,  
*Secretary of the Navy.*

NAVY DEPARTMENT,  
*March 8, 1848.*

SIR: I transmit herewith a copy of a letter received by the department from Mr. Richard S. Fay, one of the owners of the ship *Admittance*, of Boston, which was seized on the 7th of April last, by order of Commander J. B. Montgomery, commanding United States ship *Portsmouth*, at the anchorage of San José, in Lower California.

The department not having yet received any intelligence of the

result of the judicial proceedings in the case of the Admittance, you are requested to communicate to it such information as may have come to your knowledge respecting the final disposition of the property captured.

I am, respectfully, your obedient servant,

J. Y. MASON.

Commodore JAMES BIDDLE,

&c., &c., &c.,

Norfolk.

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PHILADELPHIA, March 15, 1848.

SIR: I have received your letter of the 8th instant. The American ship Admittance was seized in an enemy's port, and brought to Monterey. She was seized while Commander Montgomery was acting under instructions from Commodore Stockton, and I referred all the papers to Commodore Stockton for his decision.

The case was not determined when I left Monterey in last June; but subsequently, at San Francisco, I received a letter from Mr. Colton, the admiralty judge, in which he mentioned, incidentally, that the Admittance and her cargo had been condemned.

When all the circumstances are known, I presume the department will be convinced of the propriety of the seizure of the ship, and that her condemnation in any admiralty court was inevitable.

Very respectfully, your most obedient,

JAMES BIDDLE,

Captain U. S. Navy.

Hon. J. Y. MASON,

Secretary of the Navy,

Washington City.

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Boston, April 14, 1848.

SIR: You have been informed, through Commodore Biddle, of the seizure and condemnation at Monterey, California, of the American ship Admittance, Captain Peterson, of which Messrs. Fay & Fessenden, of Boston, are owners. From your letter to Mr. Fay, I infer that you have not yet received the originals or copies of the proceedings in the so-called admiralty court at Monterey. I have examined Captain Peterson's copies, and I am at a loss to conceive how such a proceeding can have any sanction of law.

What they have done with ship and cargo we are not informed; but, if the proceeds or the property come to you in the United States, the owners will have, it appears to me, a clear claim for it, either by your own decision upon the proceedings, or through the Supreme Court; if, indeed, the illegal proceedings of Commodore Biddle's prize court can make a case for, and appeal to, that court. These points I merely suggest, now, as correct for the parties interested, and respectfully request you to give me any information

in your power, which properly belongs to the claimants, to enable them to get their remedy.

My present purpose is to request you to take notice of the intention of the claimants to take the deposition, in perpetuum, of Captain Peterson, and to direct the district attorney of the United States, Mr. Rantoul, to attend the taking of the same. Captain Peterson is about proceeding on a voyage to China, of a year or more duration. He cannot remain. His testimony may be important, and cannot affect the interest of the United States, if taken in this form, which is in accordance with the law of this State and district.

I enclose a deposition, taken under like circumstances, as a precedent for the proposed proceedings. Mr. Mills, the United States attorney, was then authorized to appear for the United States. I shall be gratified to have a reply as soon as may meet your convenience; Captain Peterson is now delaying his voyage solely for this purpose.

With great respect, and very truly,

Your obedient servant,

B. F. HALLETT.

Hon. J. Y. MASON.

NAVY DEPARTMENT,

April 20, 1848.

SIR: Your letter of the 14th instant, with its enclosure, has been received. I have received no information of the circumstances under which the ship Admittance was captured which has not been communicated to Messrs. Fessenden and Fay, or one of them. Any further information which may be received at the department will be promptly made known to them. Instructions have been given to the United States officers on the Pacific to make no distribution of the proceeds of any vessel or cargo which may be condemned by the prize court, established in the territory of the enemy, in the possession of the forces of the United States, by conquest, by the military officers in command, until the record shall have been transmitted to the department. I have not received any record of condemnation, or notice of acquittal, in the case of the Admittance. When received, Messrs. Fessenden and Fay will be apprized, and due and respectful consideration will be given to communications from themselves, or their counsel, on the subject, before I take any official step affecting their interests.

Whether the proceedings of the prize court, which you are pleased to call "Commodore Biddle's so-called court of admiralty," are invalid, by reason of want of authority in the military governor of California to establish it, is a question of very grave importance, and I trust I shall be found ready to change the opinion which I have formed when satisfactory reasons shall be assigned.

You are aware that the captors of a prize are interested to the extent of one moiety of its proceeds. For them I have no authority to act, and I am not prepared to furnish any interrogatories



for the witness whose deposition you propose to take, to protect the interests of the United States. I do not feel at liberty to give any consent to the taking of Captain Peterson's deposition, nor to request counsel to attend to the taking it under such circumstances. I have not the information necessary, nor do I know that any question will arise in which such testimony will be required. But this need not prevent your taking his deposition, if you desire to have his testimony in that form; of this you will determine according to your own judgment.

I am, respectfully, your obedient servant,

J. Y. MASON.

B. F. HALLETT, Esq., *Boston.*

WASHINGTON, June 7, 1848.

SIR: I have the honor herewith to transmit you all the original papers and the log book of the prize ship *Admittance*, seized by me at the anchorage of San Jose, California, on the 7th of April, 1847, while commanding the United States ship *Portsmouth*; also, the testimony and judgment of the admiralty court at Monterey in the case of said ship and her cargo, as they were delivered to me by Judge Colton of the said admiralty court in September last.

I deem it proper to inform you, sir, that a writ was this morning served upon me at the instance of the Mexican house of Tucker, Torre & Co., of Mazatlan, on account of the above-mentioned seizure, a copy of which, for your better information, I have the honor to enclose; and respectfully request the favor of such instructions for my governance and the regulation of my course in the premises as the department shall be pleased to give me.

I have the honor to be, sir, with the highest respect, your obedient servant,

JNO. B. MONTGOMERY,

*Commander.*

To the Hon. JOHN Y. MASON,  
*Secretary of the Navy, Washington.*

THE UNITED STATES OF AMERICA, } *to wit.*  
*District of Columbia,*

To the Marshal of the District of Columbia, greeting: Whereas, Juan Baptista Tucker, Thos. de la Torre, Guido de la Torre, and Jose E. Fernandez, merchants, trading under the name of Tucker, Torre & Co., have exhibited the libel in the district court of the United States for the District of Columbia, stating, propounding, and alleging that a certain John B. Montgomery, then commanding the United States ship *Portsmouth* from the — day of — in the year 1847, on the high seas, to wit: at the port of San Jose, in California, with an armed force, and without any lawful authority, or

probable cause or suspicion, seized and took possession of a certain ship called the *Admittance*, her cargo and papers, and forcibly kept and detained them, and still forcibly keeps and detains the said ship, her cargo and papers, to the damage of the said libellants one hundred and fifty thousand dollars; and further stating, alleging, and propounding, as in and by the said libel, filed in the said district court, at large appears.

And, whereas, the judge of the said district court hath ordered and appointed the first Monday in December next for the said John B. Montgomery to be cited and intimated to appear, at 10 o'clock, a. m., at the court room in the city of Washington, before the said court, to show cause, if any he have, why judgment should not be passed as prayed.

You are, therefore, hereby authorized, empowered, and strictly enjoined, peremptorily to cite and admonish the said John B. Montgomery, libelled against as aforesaid, by showing this moniteor to the said John B. Montgomery, and leaving with him a true copy thereof, to be and appear before the judge aforesaid; and also to attend upon every session and sessions to be held then and there, until a definitive sentence shall be read and promulgated in the business inclusively to have, abide by, and perform all and singular such judicial acts as are necessary, and by law required to be done and expedited in the premises; and, further, to do and receive what unto law and practice shall appertain, under the pain of the law and contempt thereof. And whatever you shall do in the premises you shall certify unto the judge aforesaid at the time and place aforesaid, together with these presents.

Witness, the honorable Wm. Cranch, judge of our district court, this sixth day of June, anno domini, 1848.

W. BRENT,  
*Clerk.*

True copy—test,

W. BRENT,  
*Clerk.*

The above is a true copy of the copy furnished to me.

JNO. B. MONTGOMERY.

*U. S. Navy.*

WASHINGTON, June 7, 1848.

NAVY DEPARTMENT, June 13, 1848.

SIR: I have received your letter of the 7th instant, with the accompanying original papers, in the case of the prize ship "*Admittance*."

The papers will be carefully preserved; and will be accessible to you in maintaining your own and the captors' rights, in the suit which may be, or has been, instituted against you.

I have ordered the ship "*Admittance*" to be brought to the United States, for sale or adjudication, as shall be found neces-

sary by the decision of the court in this suit. The department will instruct the district attorney to aid your counsel in the defence of the suit.

I am, respectfully, your obedient servant,

J. Y. MASON.

Commander J. B. MONTGOMERY,

*U. S. Navy, Washington, D. C.*

NAVY DEPARTMENT, June 12, 1848.

SIR: You will be pleased to send to the United States, without delay, properly equipped, and in charge of an officer of the navy, the American ship "Admittance," which was captured at the anchorage of San Jose, Lower California, on the 7th of April, 1847, by the United States ship Portsmouth, Captain Montgomery.

She will enter the port of New York, and, on her arrival, report to the commandant of the navy yard upon that station.

I am, respectfully, your obedient servant,

J. Y. MASON.

Commodore TH. AP C. JONES,

*Commanding U. S. squadron, Pacific Ocean.*

BOSTON, September 9, 1847.

SIR: The undersigned, merchants of Boston and citizens of the United States, owners of the ship Admittance, beg leave to submit to the Secretary of State of the government of the United States the accompanying certified copies of a charter party, and of the protest made at Monterey, in California, by P. Peterson, the master of said ship, in consequence of her seizure and detention by order of Commander J. B. Montgomery, of the United States ship-of-war Portsmouth.

The undersigned bring this affair to the attention of the government, in the full expectation and belief that orders will be immediately given for the release of their ship and her cargo, and a suitable indemnity made for the loss they must sustain by her illegal seizure and detention.

We have the honor to be, sir, your obedient servants,

CHAS. B. FESSENDEN,

*For self and other owners.*

To the Hon. JAMES BUCHANAN,

*Secretary of State, Washington.*

This agreement, made the 24th day of June, 1846, between Charles B. Fessenden and Richard S. Fay, owners of the ship "Admittance," and Wyllie & Egana, of New Orleans, witnesseth:

That the said ship shall proceed to New Orleans, dangers of the seas excepted, and take there, from the said Wyllie & Egana, to the extent of eleven hundred bales of cotton, of usual size; the same to be delivered at the port of San Blas (within reach of ship's tackles) to order of shipper; the consignee thereof paying freight or charter, for said room in the ship, eleven thousand specie dollars, payable on delivery of the cargo; the cargo to be received and discharged at New Orleans and San Blas with despatch. The parties to this agreement also agree that if, on arrival of the ship off San Blas, the port is blockaded, or other obstructions prevent the discharge of the ship, the vessel shall proceed to the Sandwich Islands, and there remain until the port is open; the said Wyllie & Egana paying, in addition to the aforesaid charter, a further sum of one thousand dollars per month during such detention. The vessel and appurtenances on the one part, and the cargo to be laden on board on the other part, mutually pledged, for the performance of this contract, in good faith, each to the other, in the penal sum of fifteen thousand dollars.

Witness our hands this 30th day of June, 1846.

WYLLIE & EGANA,  
By S. C. THWING & CO.  
CHAS. B. FESSENDEN,  
RICHARD S. FAY.

UNITED STATES OF AMERICA, }  
*Commonwealth of Massachusetts,* } *Suffolk, ss:*

I, John S. Tyler, notary public, do hereby certify that the foregoing is a true copy of an original instrument exhibited to me by Chas. B. Fessenden, esq., of this city, merchant, and carefully collated and compared.

In testimony whereof, I hereto set my hand and seal  
[L. s.] of office, at Boston, the 9th day of September, A.  
D. 1847.

JOHN S. TYLER,  
*Notary Public.*

Know all men by these presents: That I, Peter Peterson, the undersigned, master of the American ship *Admittance*, of Boston, have protested, and doth hereby solemnly protest against Commander J. B. Montgomery, commanding the United States vessel of war *Portsmouth*, and against the officers and crew of the said vessel, and against all and every person in anywise concerned in, or connected with, the detention, seizure, capture, or taking forcible possession of, the said ship *Admittance* and her cargo, the same being lawful property of citizens of the United States of America, hereby holding the said captors responsible for all losses and damages which have accrued, and may hereafter accrue, by reason thereof.

The said undersigned doth hereby declare that the said ship

Admittance, with a cargo of cotton and paper, and other lawful goods, sailed on the 2d October, 1846, from the port of New Orleans, bound to port or ports in the Pacific ocean, and finally to Honolulu, in the Sandwich Islands; that, as the opinion prevailed in the United States, at the time of sailing of the said ship, that the war then existing between the United States of America and the republic of Mexico would be concluded and peace restored, by or before the time the said ship would reach the Pacific ocean, the shippers of the cargo instructed him, the said master, that, on his arrival in the Pacific, he should endeavor to ascertain if the war had terminated; and that, if he found peace had been made, he was ordered to proceed to San Blas, and there discharge part of his cargo; but, if the war continued, he was to proceed to the Sandwich Islands.

That the said ship arrived at Valparaiso on the 19th January, 1847, when he, the undersigned, was informed that all California had been taken possession of by the American squadron, and was now a territory of the United States; that a long time had elapsed since any news had been received from Mexico, but that there was every reason to believe that the war had already terminated, and that he, the undersigned, left Valparaiso on the 20th January, in the full belief that peace had been established; and, with the view to ascertaining the fact, he sailed for the north Pacific, in expectation of getting the desired information from any vessel he might fall in with there.

That, on the 2d March, 1847, being off the port of San Blas, and not finding it under blockade, he felt assured that the war must be at an end; and, in this conception, permitted a boat to come along side, which he found in the offing. By this boat, he received information of the continuance of the war, and advice, in case he was in want of necessaries, to proceed to San José, which place, he was informed, was in possession of the Americans; that, on reception of this information, he immediately made sail for that port, but, having only a few days' wood and water on board, and, as much doubt rested upon his mind that his wants could not be obtained at San José, he cruised along the coast, in the hope of falling in with some American man-of-war, or other vessel, from whom to obtain a sufficient supply to carry him to Honolulu; but, not finding any vessel, he came over to this place, notwithstanding he had been informed that San José was an American port; yet, not finding that flag flying, he approached, with much caution, and did not anchor until falling in with a small craft just out from Cape San Lucas. He learned that this port of California had submitted to the American forces; that the inhabitants were friendly disposed; had not shown the Mexican flag for a long time, and had made an arrangement with the American squadron, agreeing to remain in a state of neutrality; that several American citizens, who had been expelled from Mazatlan, were residing here with their families, in peace and tranquility, and that almost any day American vessels touched here for supplies, which could be obtained in abundance; and that very time an American vessel was



at anchor at Cape San Lucas, from whence the small vessel had just sailed. In consequence of this information, he came to anchor, in this place, with the confidential belief of being in a neutral place, and in getting on shore. The correctness of the above information, and the neutrality of the port, was confirmed by Mr. Bolton, the American consul of Mazatlan; Mr. Mott, and other American residents.

The information he had received of the continuation of the war being here confirmed, the undersigned commenced getting on board the necessary supplies for the continuance of his voyage to Honolulu; and whilst thus employed, the United States ship Portsmouth arrived and took possession of this place in the name of the United States government—hoisting the American flag. This ship was direct from Mazatlan, and brought the news of the total route of the Mexican army under Santa Anna, and the general opinion that peace would speedily follow. The undersigned, desirous to comply with the instructions to discharge that part of the cargo intended for San Blas, when peace should be made, and being now under the protection of the American flag, and in an American port, concluded to await the arrival of a launch, daily expected from the Mexican coast, in hopes she might bring the welcome news of peace. On the morning of the 6th instant, the launch arrived, but did not bring the desired news; she brought a letter for the undersigned from the parties in San Blas, proposing for him to bring his ship to that port under English colors, and offering to indemnify him against capture by the Mexicans. The undersigned, well aware of the illegality of this measure, at once refused said proposal, and finding no chance for immediate peace, determined to make sail the next day for Honolulu, in conformity with his instructions; but on that very day, the 7th instant, the said ship Admittance was forcibly taken possession of by order of Commander Montgomery, of the United States ship Portsmouth, on the false pretence that the said ship intended to proceed to the port of San Blas. Now, the undersigned most solemnly declares that, from the moment he discovered the war had not terminated, he never had any design or intention to discharge any part of the cargo of the said ship Admittance at San Blas, nor at any other port of Mexican jurisdiction; that he immediately and without hesitation rejected the before-mentioned proposals, and he hereby conceives that no blame can attach to him, that such illegals proposals were made; that he never authorized any person to say that he wished or intended to go to San Blas during the continuation of the war; and that his real and actual intentions were, when his ship was seized by the Portsmouth, to proceed to the Sandwich Islands. And the undersigned further declares, that his object in going to the coast of Mexico was simply to ascertain the fact if the war had terminated, which, from the information he received at Valparaiso, he sincerely believed to be the case; that, during the short time he was off that coast, he did not make any attempt to communicate with the enemy, nor did he, in fact, make any communication with the shore—the absence of all blockading vessels strongly induced him to believe that peace

had been restored; but the moment he received the information of the war, he determined to leave the coast and proceed to a neutral port for supplies, in the event of not obtaining any from some other vessel.

And the undersigned further declares that; when the said ship Admittance was thus forcibly seized and taken possession of, she was not bound for an enemy's port, nor was she upon the coast of an enemy, but at anchor in a port of the United States, and under the protection of the flag of the United States; that, although this port of San José was not actually in possession of the United States, when the said ship anchored in it, it had, for the last six months, been notoriously known to be neutral, friendly to Americans, and not under the jurisdiction of the central government of Mexico; that, during all this time, a great number of vessels with American flags had anchored in this port, where they, in every instance, found friendly reception, and had their necessities abundantly supplied, and, therefore, the ship has not, by entering the port of the enemy, nor in any other manner, violated the law of the United States, nor committed any act subjecting her to seizure.

Now, therefore, he, the said Peter Peterson, master of the said ship Admittance, for himself and in the name of the owners of the said ship and cargo, and of all persons interested therein, doth hereby solemnly present his protest against the said illegal seizure and capture of the said ship, declaring the same to have been made without just cause, and that he, the said undersigned, doth hereby hold responsible the said commander and officers of the said United States ship Portsmouth, and also of the government of the United States of America, and all others therein concerned, for all damages and losses which have been, and may be, sustained by reason of the said arbitrary and unlawful act.

PETER PETERSON.

I, Peter Peterson, do hereby certify that the foregoing is a true copy of the original representation and protest, served to Commander J. B. Montgomery, of the United States ship Portsmouth, the twenty-second day of April, in the year of our Lord one thousand eight hundred and forty-seven.

PETER PETERSON.

The correctness of the foregoing copy was sworn to before me.

WALTER COLTON,  
*Alcalde of Monterey.*

MONTEREY, May 29, 1847.

UNITED STATES OF AMERICA, }  
Commonwealth of Massachusetts, } *Suffolk, ss.*

I, John S. Tyler, notary public, within and for said county of Suffolk, duly commissioned and sworn, do hereby certify that the foregoing instrument is a true copy of an original paper bearing the sign manual of Peter Peterson, master of the ship Admittance,

exhibited to me by Charles R. Fessenden, esq., of this city of Boston, merchant, and by me carefully collated and compared.

In testimony whereof, I hereto set my hand and seal of office, at [L. s.] Boston, the eight day of September, anno Domini eighteen hundred and forty-seven.

JOHN S. TYLER,

*Notary Public.*

TEPIC, April 18, 1847.

SIR: It has come to our knowledge that the North American ship "Admittance," with a cargo of cotton and other goods, from New Orleans, has been captured or detained by the United States ship "Portsmouth," at San José, in Lower California, and we beg leave to lay before you the state of the case, in order that this proceeding on the part of the American cruizer may be inquired into, and a claim made for the release of the vessel and cargo.

The ship Admittance was chartered by the agents of Messrs. Rubio, Brother & Co., Spanish merchants and Spanish subjects, residing in Mexico, to bring the cargo before stated from New Orleans to San Blas or Manzanillo, to be delivered at either of those ports, if no war should be existing between Mexico and the United States, at the time of her arrival on the Mexican coast, with the condition that, if such war existed, the master was to proceed to the Sandwich Islands, and deliver the cargo there to Mr. Wyllie, British consul at the time; and, further, that if the Mexican port to which he was bound was in possession of the United States, he would at once enter such port, and discharge his cargo.

In fulfilment of the charter party, and in conformity with orders received from Messrs. Wyllie & Egana, agents of Messrs. Rubio & Co., at New Orleans, the Admittance sailed from that place in the end of September or beginning of October, 1846, and proceeded on her voyage, calling, as ordered, off San Blas and Manzanillo, to inquire if she would be admitted at one of those ports. In the meantime the agent of Messrs. Rubio & Co., at San Blas, D. Luis Rivas Gongara, requested of the captain of the Admittance that, in the event of his being prevented from entering a Mexican port in consequence of the war or blockade, he would proceed to Cape San José, in Lower California, knowing that place to be in possession of the Americans; with the further orders that, if there should be any objections to his remaining there or discharging his cargo, he would proceed to San Diego, in Upper California, which was well known to be then an American port.

It is, therefore, evident that the shippers and owners of the cargo of the Admittance had no intention of infringing any international law, and which is shown by the orders given to the captain by the shippers at New Orleans, to proceed to the Sandwich Islands, and by the agent at San Blas to proceed to a port in the possession of the United States if there was any obstacle, from war or blockade, to the entering a Mexican port, and which is confirmed

by the orders given to Captain Peterson, at New Orleans, to enter any Mexican port if in the possession of the United States.

If it is pretended that the cargo of the Admittance is Mexican property, the clearest evidence can be given to the contrary. The Messrs. Rubio are well known to be Spanish subjects, as is also M. de la Torre, to whom the bill of lading for the cotton was subsequently endorsed by them and by their agent, Don Luis Rivas Gongara. Lastly, the whole cargo is transferred to us, who are British subjects. No part of this cargo ever passed into the hands of any Mexican citizen, nor does the name of a Mexican appear in the whole transaction, except in one of the bills of lading, where L. Rivas Gongara is mentioned as consignee or agent at San Blas; but which agency he resigned after endorsement of the bill of lading to La Torre, who then became the sole owner and depositary of the cargo of cotton represented by the bill of lading; which bill of lading he afterwards endorsed over to us, who must now, therefore, be considered as the depositaries and virtual proprietors of the cargo in question. We need not insist on what is so universally known in mercantile affairs, that the holder of the bill of lading is the only legitimate representative of the cargo, and by this document only the property is to be ascertained, for which purpose we now deliver over to you the two bills of lading which represent the proprietorship of the cargo of the Admittance. Both have been a considerable time past endorsed to us, and we now beg you will be pleased to take such measures as you may deem necessary for the liberation of the ship Admittance and her cargo.

We are, sir, your most obedient servants,

BARRON, FORBES & CO.

ALEXANDER FORBES, Esq.,

*Her Majesty's Consul, Tepic.*

HER MAJESTY'S SHIP CARYSFORT,

*San José, May 2, 1847.*

SIR: Having been detached by Sir Baldwin Walker, the senior officer of her Britannic Majesty's ships in these parts, to ascertain the particulars respecting the detention of the American vessel Admittance, which has a cargo on board, represented by her Britannic Majesty's consul at Tepic to be British property, by the United States corvette Portsmouth.

I found, on my arrival at this port, that unfortunately the Portsmouth had sailed for Monterey, so, not knowing the Portsmouth's present proceedings, I fear to lose the opportunity of getting into Captain Montgomery's hands a statement of the case received by me from Messrs. Barron & Forbes, (not of course a case legally drawn up, but merely a statement of what the ship had been doing and how the cargo came into their hands,) as also her bills of lading, authenticated copies of the originals, which I now hold and vouch for, as having no interlineations or scratchings out.

The only method by which I think to accomplish this end, is by writing straight to the commander-in-chief of the United States

ships at Monterey, as I am sure I can rely on Commodore Biddle's courtesy and sense of justice to have them forwarded from Monterey to wherever the Admittance may be ordered to for trial.

My orders are also to impress upon Captain Montgomery's consideration, that by the detention great pecuniary loss will be incurred, as also great inconvenience to the owners of the property in question, which will be increased tenfold, should it be determined to send the Admittance to the United States (where the only competent tribunal is situated) for adjudication.

The communication from here to Monterey being likely to be of a much earlier date than from Mazatlan, where Sir Baldwin Walker at present is, is the reason of my writing this straight to you, sir, which I am sure you will excuse.

I have the honor to be, sir, with sentiments of the greatest respect, your most obedient humble servant,

HENRY SEYMOUR, *Captain.*

To Commodore BIDDLE,

*Commander-in-chief, U. S. ship, Monterey.*

*Copy of the charter party of the Admittance.*

Contrata de fletamento celebrada en Boston el 24 Junio, 1846, entre B. Fessenden y Rdo. S. Fay dueños de la Fragata Americana "Admittance," y Wyllie y Egaña de N. Orleans representados por S. C. Thwing & Co.

*Traduccion.*

El referido buque saldrá para Nueva Orleans salvo las riesgos del mar, donde tomará de los othos Wyllie y Egaña hasta la cantidad de mil y cien balas de algodón, del tamaño regular, para entregarlas en San Blas (al costado del barco) à la orden de los cargadores. El consignatorio pagará por flete de la carga once mil pesos en plata, pagaderos luego de entregado el cargamento. Dho cargamento se recibirá y descargará en Nueva Orleans y San Blas con toda brevedad. Las partes contratantes convienen tambien que si à la llegada del buque à San Blas, se hallase bloqueado aquel Puerto, ó hubiera otros obstaculos que impidiesen su descarga en esos casos el buque se irá à las Islas de Sandwich donde permanecerá hasta que la entrada del Puerto quede libre, pagando los Sres. Wyllie y Egaña à mil pesos mensuales mientras dure dha detencion.

El buque y sus propietarios por una parte, y por la otra la carga que ha de conducir, son reprisentables del fiel y exacto cumplimiento de este contrata bajo la reciproca multa de quince mil pesos.

(Firmado,) C. B FESSENDEN,

" R. S. FAY,

Por WYLLIE Y EGAÑA,

S. C. THWING Y CO.

Testigo,

EDDO. CABOT.



3,412 bars of iron, 89,384 lbs.

B 31-130—100 bales of foolscap paper.

LCC 33—16 do do

JJP 34—16 do do

35—18 do do

36—12 do do

37—12 do do

41—3 cases letter paper.

41-43—2 do do

SD } 1-20—20 do

R } 21-24—4 do do

LCC } 11—1 case sewing silk.

JJP } 17—1 do do

Some of the packages in bad order and damaged.

Shipped in good order and well conditioned, by Wyllie & Egaña, on board the good ship called the Admittance, whereof is master for the present voyage, Peterson, and now lying in the port of New Orleans and bound for Honolulu, &c., thirty-four hundred and twelve bars iron, one hundred and seventy-four bales foolscap paper, twenty-nine cases letter paper, two cases bundles sewing silk, being marked and numbered as on the margin, and are to be delivered in the like order and condition at the aforesaid port of Honolulu—the dangers and accidents of the sea, and navigation, of whatsoever kind or nature, excepted, unto order, or to ———, assigns, he or they paying freight for the said goods, at one dollar per quintal for iron, and two dollars per bale, case, and bundle; primage and average accustomed.

In witness whereof, the master of said ship hath affirmed to five bills of lading, all of this tenor and date, one of which being accomplished, the others to stand void. Dated in New Orleans, 30th September, 1846.

P. PETERSON.

[Contents unknown.]

NEW ORLEANS, September 30, 1846.

Received, from Messrs. Wyllie & Egaña, three hundred and nine dollars twenty-two cents, on account of freight of the within merchandise, and the said sum so advanced to me is to be deducted out of the freight, together with the usual charges for placing the said accounts in New Orleans, by Messrs. Rubio, Hermans & Co., of Mexico, or their agents in San Blas, Manzanillo, or Honolulu.

P. PETERSON.

Please deliver the within mentioned goods to the order of Messrs. Barron, Forbes & Co., of Tepic.

WYLLIE & EGAÑA.

This is a true copy of the original. Dated on board her Majesty's ship Carysfort, San José, 3d May, 1847.

G. HENRY SEYMOUR, Captain.

ND, 2707.—Being agreed by the charter party to pay (\$11,000) eleven thousand dollars for freight on 1,100 bales cotton; and the quantity shipped being 1,129 bales. It is agreed that the said ship is entitled to (\$145) one hundred and forty-five dollars more, which is at the rate of \$5 on 29 B., shipped over and above the quantity agreed.

Shipped in good order and well conditioned, by Wyllie & Egaña, on board the good ship called the Admittance, whereof is master, for this present voyage, Peterson, and now lying in the port of New Orleans and bound for San Blas, two thousand seven hundred and seven small bales of cotton, being marked and numbered as in the margin, and are to be delivered in the like order and condition at the aforesaid port of San Blas. The dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted, unto Don Luis Rivas Gongara, or to his assigns, he or they paying freight for said goods, as per charter party; primage and average accustomed.

In witness whereof, the master of the said ship hath affirmed to five bills of lading, all of this tenor and date, one of which being accomplished, the others to stand void. Dated in New Orleans, 23d September, 1846.

P. PETERSON.

[Contents unknown.]

NEW ORLEANS, *September 23, 1846.*

Received from Messrs. Wyllie & Egaña, seventeen hundred and ninety-seven dollars and seventy-nine cents, on account of freight of the within 2,707 small bales of cotton; and the said sum, so advanced to me, is to be deducted out of the freight, together with the usual charges for placing the said amount in New Orleans, by Messrs. Rubio, Hermans & Co., of Mexico, or their agents in San Blas, Manzanillo, or Honolulu.

P. PETERSON.

Deliver to the order of Messrs. J. de la Torre, Tucker & Co., of Mazatlan, value received. Mexico, October 15, 1846.

RUBIO, HERMANS Y Co.

S. RIVAS GONGARA.

Deliver to Messrs. Barron, Forbes & Co., or to their order. Mazatlan, December 25, 1846.

J. DE LA TORRE, TUCKER & Co.

Deliver to the order of Dn. Manuel de la Quintana. Tepic, February 24, 1847.

BARRON, FORBES & Co.

This is a true copy of the original. Dated, on board her Majesty's ship Carysfort, San José, May 2, 1847.

G. HENRY SEYMOUR,

Captain.

UNITED STATES OF AMERICA,  
District of New Orleans.

*To all whom these presents may come:*

We, the collector and naval officer of the port of New Orleans, do by these presents, certify and make known that the captain, officers, seamen and passengers of the ship called the Admittance, laden with a cargo, as per manifest herewith, and of which Peterson is captain, consisting of sixteen officers and seamen, passengers, now ready to proceed on a voyage to Honolulu, Sandwich Islands.

And we do further certify, that no contagious or dangerous disease at present prevails or exists in this port or its vicinity.

Given under our hands and seals of the custom house at New Orleans, in the State of Louisiana, the 24th [L. s.] day of September, in the year of our Lord one thousand eight hundred and forty-six, and in the 71st year of the Independence of the United States of America.

J. W. HINCKS, *Collector.*

L. DESTURA, *Naval Officer.*

*Señor Intendente de la provincia de Valpo.*

Hallandos listo la Fragata Ama. Admittance para dar la vela con destino à las Islas de Sandwich y no pudiendo verificarlo sin el correspondiente permiso.

A. V. S. suplicamos se sena concedernos lo que solicitamos.

Es Justicia, &c., pr Ulso pr

JUAN WALKE.

Sen cargo comisaria de Ejto y Marina. Valparaiso, Enero 20 de 1847.

GINDARA.

No tiene cargos por dejar afanzados los dros del registro No. 42. contade ad Valpo., Enero 20, de 1847.

S. NORUPUSS.

Se presento en la oficiana de carreos, Valpo. Enero 20, 1847.

JUAN ANTO POMAR.

Valpso. Eno. 20, de 1847. Concedida.

ALDEMATE.

Capitani de Purto. Valpso., Enero 20, de 1847. Di la vala.

SALAMANCA.

*Report and manifest of the cargo laden at the port of New Orleans on board the ship Admittance, whereof P. Peterson is master, bound for Honolulu.*

Names of shippers.	Marks.	Numbers.	Packages and articles in bulk.	Contents and quantities.	Value at the port of exportation.
Wylie & Egana.....	A D.....	1129.....	Bales cotton.....	439,913 pounds.....	\$41,391 33
	None.....	3412.....	Bars of iron.....	89,384 pounds.....	
	[B].....	31—134.....	Bales paper.....	100.....	
	L C C.....	33 34 35 36.....	Packages paper.....	79.....	
	J J P.....	37 41 42 43.....			
	S D.....	1d 24.....	Cases paper.....	24.....	
	R.....				
	L C C.....	11 17.....	Cases silk goods.....	2.....	
	J J P.....				

This the true copy of the original manifest.

P. PETERSON.

Witness to the signature of Captain Peterson—  
J. S. MISSRONE, *First Lieut. U. S. ship Portsmouth.*

SAN JOSE, April 7, 1847.

[ PERMANENT: No. 157. ]

In pursuance of an act of the Congress of the United States of America, entitled "An act concerning the registering and recording of ships or vessels," Chas. B. Fessenden, of Boston, State of Massachusetts, having taken or subscribed the oath required by the said act, and having sworn that he, together with Richard S. Fay, of said Boston, are the only owners of the ship or vessel called the "Admittance," of Boston, whereof Peter Peterson is at present master, and is a citizen of the United States, as he hath sworn; and that the said ship or vessel was built at Duxbury, State aforesaid, in the year eighteen hundred and thirty-four, as per register No. 239, issued at this office October 1st, 1842, now cancelled, property transferred; and said register having certified that the said ship or vessel has two decks and three masts, and that her length is one hundred and twenty-one feet; her breadth twenty-seven feet, ten and a half inches; her depth thirteen feet, eleven and three-fourth inches, and that she measures four hundred and twenty-six and seventy-six ninety-fifths tons; that she is a ship; has a square stern, no galleries, and a billet-head; and the said Charles B. Fessenden having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said act, the said ship has been duly registered, at the port of Boston.

Given under our hands and seal at the port of Boston, this eleventh day of July, in the year one thousand eight hundred and forty-six.

R. H. GILLET, *Register*, [SEAL.]

WILLIAM A. WELLMAN, [SEAL.]

*Deputy Collector.*

WILLIAM PARMENTER, [SEAL.]

*Naval Officer.*

3,412 bars iron, 89,334 lbs.

B 31-130—100 bales foolscap paper.

LCC } 33—16 do do

JJP } 34—16 do do

35—18 do do

36—12 do do

37—12 do do

41—3 cases letter paper.

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R } 21-24—4 do do

LCC } 11—1 case sewing silk.

JJP } 17—1 do do

Some of the packages in bad order and damaged.

Shipped in good order and well conditioned, by Wylie & Egaña, on board the good ship called the Admittance, whereof is master for the present voyage, Peterson, and now lying in the port of New Orleans and bound for Honolulu, thirty-four hundred and twelve



bars of iron, one hundred and seventy-four bales foolscap paper, twenty-nine cases letter paper, two cases bundles of sewing silk, being marked and numbered as in the margin, and are to be delivered in the like order and condition at the aforesaid port of Honolulu; the dangers and accidents of the seas, and navigation of whatsoever kind or nature, excepted, unto order, to ———, assigns, he or they paying freight for the said goods, at one dollar per quintal for iron, and two dollars per bale, case, and bundle merchandise; primage and average accustomed.

In witness whereof, the master of the said ship hath affirmed to five bills of lading, all of this tenor and date, one of which being accomplished, the others to stand void. Dated in New Orleans, 30th September, 1846.

P. PETERSON.

[Contents unknown.]

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NEW ORLEANS, *September 30, 1846.*

Received, from Messrs. Wylie & Egaña, three hundred and nine dollars and twenty-two cents, on account of freight of the within merchandize, and the said sum so advanced to me is to be deducted out of the freight, together with usual charges for placing the said merchandise in New Orleans, by Messrs. Rubio, Hermans & Co., of Mexico, or their agents in San Blas, Manzanillo, or Honolulu.

P. PETERSON.

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AD 2,707.—Being agreed by the charter party to pay \$11,000 (eleven thousand dollars) for freight on 1,100 bales of cotton, and the quantity shipped being 1,129 bales, it is agreed that the ship is entitled to \$145 (one hundred and forty-five dollars) more, which is at the rate of \$5 on 29 bales, shipped over and above the quantity agreed.

Shipped in good order and well conditioned by Wylie & Egaña, on board the good ship called the Admittance, whereof is master for the present voyage Peterson, and now lying in the port of New Orleans and bound for Honolulu, two thousand seven hundred and seven small bales cotton, being marked and numbered as in the margin, and are to be delivered in the like order and condition at the aforesaid port of San Blas (the dangers and accidents of the seas and navigation of whatsoever nature or kind excepted) unto Don Louis Rivas Gongara, or his assigns, he or they paying freight for the same as per charter party, primage and average accustomed. In witness whereof, the master of said ship hath affirmed to five bills of lading, all of this tenor and date, one of which being accomplished, the others to stand void

Dated in New Orleans, 23d September, 1846.

P. PETERSON.

[Contents unknown.]

NEW ORLEANS, 23d September, 1846.

Received from Messrs. Wylie & Egaña, seventeen hundred and ninety-seven dollars and seventy-nine cents on account freight of the within 2,707 small bales of cotton; and the said sum so advanced to me is to be deducted out of the freight, together with the usual charges for placing the said amount in New Orleans by Messrs Rubio, Hermans & Co., of Mexico, or their agents in San Blas, Manzanillo, or Honolulu.

P. PETERSON.

Boston, September 2, 1846.

DEAR SIR: I wrote you a few lines under this date, owning receipt of your letter of the 23d of August. I shall be much disappointed if Mr. Egaña does not fill the ship upon the same terms as the 1,100 bales, as I was in treaty with some parties to fill up the ship with other merchandise, when I saw Mr. Bengough, and he stated that the ship would be filled up at the rate of the 1,100 bales; in consequence of which I took no further steps in relation to filling up the ship. Of this you will inform Mr. Egana, and do the best you can with him. If you can obtain from Mr. Egana an advance upon your freight, sufficient to pay your disbursements, it would be a good thing, as there would be so much the less risk. With regard to the bales, the plan you propose will answer, in which case you must have the exact weight of the small bales, together with the bagging, and I hope Mr. Egana will agree to 400, as the weight of the large bales. With regard to the landing your cargo at San Blas, I hope, before your arrival at San Blas, you will have heard that the difficulties are settled. Our policy of insurance has the following clause: "This company not liable for detention or capture by the Mexican government, or person acting by authority of that government." "This company not to be liable for expense of copper or coppering until new coppered."

You will perceive by this that you must be very cautious about going into a Mexican port, for, although the consignees may have authority to land the cotton, yet they might seize the vessel after being discharged, unless the vessel as well as cargo had permission from the Mexican government.

Provided you discharge your cargo at San Blas without difficulty, and you have no fear of losing your vessel by so doing, you will proceed to a small port near San Blas, called, I think, Yrali, and take in a cargo of wood Lima, I think is the name it is known by there, or red wood; you make a bargain for it in San Blas or Tepic. The Valhalla brought a cargo here last year; the captain brought it with the privilege of rejecting any that he might see fit; it cost about \$22 per ton. The wood should be *bright, deep red, free from sap*, which is white on the outside, the sticks straight and heavy. You must be very particular as to the quality; that which is white (sappy) is not so valuable; the weight, if proper attention

is paid, will overrun. You will proceed home with your cargo, touching at Valparaiso, where you may find some further orders, and if not, you may be able to sell part of your wood, say 75 or 100 tons or more, to advantage at that port, which you had better do, provided you can obtain a freight of copper ore, which you can fill in with the wood, say 250 to 300 tons. If you can obtain \$14 or \$15 per ton, for 250 to 300 tons, it might answer to go to Heradura or some of the other ports to take it in, provided you sell your wood at a good profit. I could make a bargain now for 300 tons, but the uncertainty of your movements prevents me. I may make a conditional bargain, notice of which you may receive. Provided you discharge at the Sandwich Islands, I hope you may obtain a freight of oil, at 8 or 9 cents per gallon, in which event you will invest your outward freight money in undoubted bills. Under the advice of Mr. Brewer's house, you will probably obtain whaler's bills at 15 to 20 per ct. discount, and *with a lien on the oil against which they are drawn*, and have them drawn at as "short sight" as possible. Be careful in signing your bills of lading, to insert, not accountable for leakage. In loading the casks should be stowed empty, and then filled. The first and second of your bills you will remit, or request Messrs. Brewer to remit, by different conveyances, and the third you can bring with you in the vessels; each set, or rather the first, second and third of each set, should be accompanied by a letter of advice from the person drawing. I suppose one set will be forwarded via San Blas or Mazatlan.

Provided after you have discharged your cargo at the Sandwich Islands, and can get no freight from there, and are unable to get into Mexico for Lima wood, *you must then do what you think best*. There is a port on the west coast of Central America, Seita Realeyo, or a port near there where the best Lima wood is brought from; the Albert Henry and the Prompt have loaded there. I am not certain that a cargo can be obtained there, so large as you may want; but perhaps you may find out from some parties that you may meet, and it would be an object to get a cargo, or as near a full cargo as possible. In this case, it would be well to touch at Valparaiso and see if a good arrangement can be made for 300 tons of copper, or a freight. This ore takes up but very little room; I understand that 300 tons will take up only the room of about 1,000 barrels, so that you take nearly as much wood as without it.

I hope to be able to write you at San Blas, but conveyance must be very uncertain for the present, and provided you receive nothing from me, and are unable to proceed, as I have pointed out, you must do the best you can. If you should leave the Sandwich Islands *seeking freight*, either by way of South America or Manilla, &c., you will remit home your outward freight as I have pointed out.

Yours truly,

CHARLES B. FESSENDEN.

Capt. P. PETERSON,

New Orleans.

MAZATLAN, *April 1, 1847.*

SIR: Should this find you at San José, we have to request you to proceed at once to San Blas, referring you at the same time to the accompanying letter, for you, from Don Luis Rivas Gongara of Tepic.

Mr. Rivas has furnished us with copies of your letters to him of dates 3d and 4th March, by which it appears you entertain fears of being seized by an English or an American cruiser, should you follow his recommendation to discharge under English colors. That such apprehensions are groundless, Mr. Mott or Mr. Bolton will, we feel confident, shew to your satisfaction; it is not yet a month since an American vessel discharged in San Blas without let or hindrance. The difficulty with regard to receiving your vessel in a Mexican port has also been overcome, as you will perceive by the enclosed copy of an order from the supreme government, by which vessels of any nation are permitted to enter, provided only the captain make a simple declaration, to the effect that he belongs to a friendly or neutral nation, no papers confirming that assertion being requested of him.

Mr. Rivas has also the assurance of the administrator of the custom-house of San Blas, and of General Bustamente, commander in chief of the forces there, that should the vessel enter, she will be allowed to discharge and take her departure without molestation.

In case, however, this explanation may not be sufficiently satisfactory to you, we enclose our own bond, holding ourselves responsible for whatever damages or losses may accrue to your ship from seizure, detention or otherwise, in following out our instructions to proceed to San Blas and to discharge there. Thus guaranteed, we presume you will offer no objection to a compliance with our wishes, and should this be the case, we would beg of you to use all reasonable expedition in your voyage to San Blas, as it is of considerable importance your speedy arrival at that port.

For directions as to the manner of entering the harbor, we beg again to refer you to the letter of Mr. Rivas, and also to the bearer of this, Don Antonio Gonzalez, who has our particular instructions on this point. Mr. Gonzalez will accompany you to San Blas, and we recommend him to your attention.

We need scarcely assure you that the conditions of your charter party will be religiously complied with on the part of the charterers. The remuneration for the vessel, since her departure from Manzanillo, until she again casts anchor in San Blas, will of course be in the proportion of the time occupied, and at the same rate as if she had proceeded to Honolulu.

We have written the above, in the presumption that, following out the instructions of Mr. Rivas, and having failed to enter Manzanillo, you are now at San José, and we accordingly direct this letter to that place; but, in case you may have left San José and gone to one or other of the two remaining points of rendezvous, we send also a copy to each of those points. If you receive this com-

munication at San José, the above are your instructions. If you receive it either at San Diego or Honolulu, you will immediately come back again to San José, where instructions will be awaiting you, with regard to the discharge of the vessel.

Should this find you in San José, but, notwithstanding, you should not think proper to comply with our wishes, and absolutely refuse to return to San Blas, you will please be good enough to remain a few days in San José, in order that we may despatch a vessel or vessels from this coast for the purpose of transshipping the cargo.

We do not anticipate such refusal, on your part, by any means, but think it necessary to provide against it, as we will probably not have another opportunity of communicating with you.

We remain, sir, your very obedient servants,

TUCKER, TORRE & Co.

Captain P. PETERSON,  
*Ship Admittance.*

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[Translation.]

His excellency, the commander-in-chief of the army libertador republicano, in exercise of the executive power, wishful that [the] commerce, as well foreign as national, may suffer as little prejudice as possible, under the present circumstances of our relations with the United States of America; and, at the same time, that the inhabitants of the coast may not lose the benefits resulting from mercantile activity, encharges me to notify to you, that any vessel which may arrive at that port with a cargo of — goods will be permitted to discharge, provided she comes under the colors of a friendly or of a neutral nation; the simple declaration of the captain to that effect to be considered sufficient, without any other examination; everything else to be arranged according to the present araned.

With the view of animating speculators, his excellency has also ordered that, whilst the blockade continues, no tonnage dues are to be levied at that port.

This supreme order I communicate to you for its more punctual fulfilment, requesting advice of its receipt.

God and liberty! Mexico, August 2, 1846.

J. S. HENIE,  
BARRON, FORBES, & CO.,  
TUCKER, TORRE, & CO.

To the adenos of the maritime custom-houses, Vera Cruz, Mazatlan, San Blas, Manzanillo.

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In consequence of the present war between Mexico and the United States of North America, it is impracticable for the ship



Admittance to enter the port of San Blas under American colors; but, as the custom-house has consented that the vessel shall be permitted to enter and discharge, on being reported as a neutral vessel, we hereby guarantee to Captain P. Peterson, and the owners of the said ship Admittance, that, on entering upon those conditions, she shall be allowed to leave San Blas without molestation, after the delivery of her cargo; and if anything to the contrary should take place, we hereby oblige ourselves to make good all damages and losses which said captain and owners may suffer by detention, seizure, or otherwise.

Given under our hand in this port of Mazatlan, the thirty-first day of March, 1847.

TUCKER, TORRE, & CO.

#### UNITED STATES OF AMERICA.

It is agreed, between the master, seamen or mariners of the ship Admittance, of Boston, whereof Peter Peterson is at present master, or whoever shall go as master, now bound from the port of New Orleans to the Sandwich Islands, and from thence to port or ports as the master may direct, in the Pacific ocean and China seas, and back to a port of discharge in the United States,

That, in consideration of the monthly or other wages against each respective seaman or mariners' name hereunto set, they severally shall and will perform the above mentioned voyage: And the said master doth hereby agree with and hire the said seamen or mariners for the said voyage, at such monthly wages or prices to be paid pursuant to this agreement, and the laws of the Congress of the United States of America, and the custom and usage of the port of \_\_\_\_\_.

And they, the said seamen or mariners do severally hereby promise and oblige themselves to do their duty and obey the lawful commands of their officers on board the said vessel, or the boats thereunto belonging, as become good or faithful seamen or mariners; and at all places where the said vessel shall put in, or anchor at, during the said voyage, to do their best endeavors for the preservation of the said vessel and cargo, and not to neglect or refuse doing their duty by day or night, nor shall go out of the said vessel on board any other vessel, or be on shore under any pretence whatsoever until the above said voyage shall be ended, and the said vessel be discharged of her loading, without leave first obtained of the captain or commanding officer on board; that, in default thereof, they will be liable to all the penalties and forfeitures mentioned in the marine law, enacted for the government and regulation of seamen in the merchants' service, in which it is enacted, "that if any seaman or mariner shall absent himself from on board the ship or vessel without leave of the master or commanding officer on board, and the mate or other officer having charge of the log-book shall make an entry therein of the name of such seaman or mariner on the day on which he shall so absent himself; and, if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days' pay for every day which he shall so absent himself, to be deducted out of his wages: but, if any seaman or mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all wages due him, and all his goods and chattels which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owner or owners of the said ship or vessel, and moreover shall be liable to pay to him or them all the damages which he or they may sustain by being obliged to hire other seamen or mariners in his or their place." And it is further agreed, that, in case of capture, death, or impressment, the wages are to cease. And it is further agreed by both parties, that each and every lawful command which the said master shall hereafter think necessary to issue for the effectual government of said vessel, suppressing immorality and vice of all kinds, is to be strictly complied with, under the penalty of the person or persons disobeying, forfeiting his or their whole wages or hire, together with everything belonging to him or them on board said vessel. And it is further agreed on, that no officer or seaman belonging to said vessel shall demand or be entitled to his wages or any part thereof until the arrival of the said vessel at the above mentioned port of discharge, and her cargo delivered.

And it is hereby further agreed between the master and officers of the said vessel, that whatever apparel, furniture, and stores each of them may receive into their charge, belonging to the said vessel, shall be accounted for on her return; and in case anything shall be lost or damaged through their carelessness or insufficiency, it shall be made good by such officer

or seaman by whose means it may happen, to the master and owners of said vessel. And whereas it is customary for the said officers and seamen, on the vessel's return home, in the harbor and whilst the cargo is delivering, to go on shore each night to sleep, greatly to the prejudice of such vessel and freighters, be it further agreed by the ship parties, that neither officer nor seaman shall, on any pretence whatever, be entitled to such indulgence, but shall do their duty by day in discharge of the cargo, and keep such watch by night as the master shall think necessary to order for the preservation of the above. And whereas it often happens that part of the cargo is embezzled after being safely delivered into lighters, and as such losses are made good by the owners of the vessel, be it therefore agreed by these presents, that whatever officer or seaman the master shall think proper to appoint shall take charge of her cargo in the lighters, and go with it to the lawful quay, and there deliver his charge to the vessel's husband or his representative to see the same safely landed. That each seaman or mariner who shall well and truly perform the above mentioned voyage, (provided always that their be no plunderage, embezzlement, or other unlawful acts committed on the said vessel's cargo or stores,) shall be entitled to the payment of the wages or hire that may be due him, pursuant to this agreement, as to their names is severally affixed and set forth. Provided, nevertheless, that, if any of the said crew disobey the orders of the master or other officer of the said vessel, or absent himself at any time without liberty, his wages due at the time of such disobedience or absence shall be forfeited, and in case such person or persons so forfeiting wages shall be reinstated or permitted to do further duty, it shall not do away such forfeiture. That for the due performance of each and every of the abovementioned articles and agreements, and acknowledgment of their being voluntary and without compulsion, or any other clandestine means being used, agreed to and signed by us; in testimony whereof, we have each and every one of us under affixed our hands, month and day, against our names as hereunto written. And it is hereby understood and mutually agreed, by and between the parties aforesaid, that they will render themselves on board the said ship, on or before Saturday, the 19th day of September, 1846, at 4 o'clock in the afternoon.

Seamen's names.	Stations.	Time of entry.	Day and hour when they are to render themselves on board.	Wages for the voyage or month.	Wages advanced.	Names of sureties.	Places of abode of the sureties.
Peter Peterson .....	Master .....						
William Bell .....	Mate .....			\$35 00	\$70 00		
Andrew Granes .....	2d mate .....			18 00			
Peter Goodhue .....	Carpenter .....			18 00			
Thomas Martin .....	Steward .....			15 00	30 00		
Joseph Agnew .....	Cook .....			14 00	30 00		
James Neal .....	Seaman .....			12 00	24 00		
James Saunders .....	do .....			12 00	24 00		
Robert B. Foster .....	do .....			12 00	24 00		
Isaac Page .....	do .....			12 00	24 00		
Philip Carland .....	do .....			12 00	24 00		
Thomas Cates .....	do .....			12 00	24 00		
Charles W. White .....	do .....			12 00	24 00		
Nicholas Wilcomb .....	Sailmaker .....			14 00	28 00		
Thomas Simms .....	Ordinary .....	September 14		9 00	18 00		
Wm. F. Perry .....	Boy .....			7 00	14 00		
John Bruce .....	Ordinary seaman .....	Jan. 20, 1847		12 00			
James Burk .....	do .....	do .....		12 00			

DISTRICT AND PORT OF NEW ORLEANS.

I hereby certify the above to be a true copy from the original on file in this office.

COLLECTOR'S OFFICE, *September 24, 1846.*

J. W. HINCKS, *Deputy Collector.*

I certify that Robert Bruce and James Burk have duly shipped for the remainder of the above described voyage, in the stations and for the monthly wages herein by me set against their respective names.

E. R. DORR, *Consul U. S. A.*

CONSULATE OF THE UNITED STATES, *Valparaiso, January 20, 1847.*

List of persons composing the crew of the ship *Admittance*, of Boston, whereof is master Peter Peterson, bound for —.

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Names.	Place of birth.	Place of residence.	Of what country citizens or subjects.	Description of their persons.				
				Aged—	Height.		Complexion.	Hair.
					Feet.	Inches.		
Peter Peterson.....	United States.....	.....	United States.....	.....	.....	.....	.....	.....
Wm. Bell.....	Massachusetts.....	.....	.....	48	5	4	Light.....	Light.....
Andrew Graves.....	Naturalized.....	.....	.....	.....	.....	.....	.....	.....
Peter Goodhue.....	Massachusetts.....	.....	.....	28	5	10 $\frac{1}{4}$	Dark.....	Dark.....
James Neal.....	Maine.....	.....	.....	35	5	6	do.....	Brown.....
James Saunders.....	Maryland.....	.....	.....	38	5	10 $\frac{3}{4}$	Light.....	do.....
Robt. B. Foster.....	Massachusetts.....	.....	.....	27	5	6	Dark.....	Dark.....
Isaac Page.....	Maine.....	.....	.....	39	5	5	do.....	do.....
Phillip Carland.....	Ohio.....	.....	.....	21	5	6 $\frac{1}{2}$	Light.....	Light.....
Thos. Cates.....	Maine.....	.....	.....	40	5	9 $\frac{1}{2}$	Dark.....	Black.....
Nicholas Wilcomb.....	Massachusetts.....	.....	.....	45	5	7 $\frac{1}{2}$	do.....	Dark.....
Charles W. White.....	do.....	.....	.....	35	5	7 $\frac{1}{2}$	Light.....	Brown.....
Thos. Martin.....	.....	.....	No proof.....	.....	.....	.....	.....	.....
Thos. Simms.....	.....	.....	do.....	.....	.....	.....	.....	.....
Joseph Agnew.....	.....	.....	do.....	.....	.....	.....	.....	.....
Wm. F. Perry.....	.....	.....	do.....	.....	.....	.....	.....	.....
John Bruce.....	.....	.....	Sweden.....	20	5	5 $\frac{1}{4}$	Light.....	do.....
James Burk.....	.....	.....	do.....	29	5	3 $\frac{1}{4}$	do.....	do.....

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I, Peter Peterson, do solemnly, sincerely, and truly swear that the within list contains the names of the crew of the ship Admittance, together with the places of their birth and residence, as far as I can ascertain the same, this 24th day of September, 1846.

PETER PETERSON.

Before me, collector.

J. W. HINCKS, *Dep. Col.*

NEW ORLEANS.

I do hereby certify that the within is a true copy of the list of the crew of the ship Admittance, of Boston, whereof Peter Peterson is master, taken from the original on file in this office.

[L. s.] Given under my hand and seal of office, at the custom-house, this 24th day of September, in the year of our Lord one thousand eight hundred and forty-six.

J. W. HINCKS, *Dep. Col.*

I do further certify, that the within-named persons, who compose the company of the above mentioned ship, whereof Peter Peterson is at present master, have produced to me proof, in the manner directed in the act entitled "An act for the relief and protection of American seamen;" and pursuant to the said act, and to the act supplementary to the act concerning consuls and vice-consuls and for the further protection of American seamen, I do hereby certify that the said persons, with the exception of four, are citizens of the United States of America.

[L. s.] Given under my hand and seal of office, this 24th day of September, 1846.

J. W. HINCKS, *Dep. Col.*

CONSULATE OF THE UNITED STATES,

*Valparaiso, January 20, 1847.*

I certify that John Bruce and James Burk have duly shipped in this port, and I have herein made entry of their names and description.

E. R. DORR, *Consul U. S. A.* [L. s.]

This agreement, made the 24th day of June, 1846, between Charles B. Fessenden & Richard S. Fay, owners of the ship "Admittance," and Wylie & Egaña, of New Orleans, witnesseth: that the said ship shall proceed to New Orleans, dangers of the seas excepted, and take there, from the said Wylie & Egaña, to the extent of eleven hundred bales of cotton, of usual size, the same to be delivered at the port of San Blas, (within reach of ship's tackles,) to order of shipper, the consignee thereof paying freight or charter for said room in the ship, eleven thousand specie dollars, payable on delivery of the cargo, the cargo to be received and discharged at New Orleans and San Blas, with despatch. The parties to this agreement also agree that, if on arrival of the ship off San Blas, the port is blockaded, or other obstructions prevent the discharge of the ship, the vessel shall proceed to the Sandwich Islands, and there remain until the port is open, the said Wylie & Egaña paying, in addition to the aforesaid charter, a further sum of one thousand dollars per month, during such detention.

The vessel and appurtenances on the one part, and the cargo to be laden on board on the other part, mutually pledged for the per-



formance of this contract in good faith, each to the other, in the penal sum of fifteen thousand dollars.

Witness our hands, this 30th day of June,

WYLIE & EGAÑA,

By S. C. THWING & CO.,

RICHARD S. FAY,

CHAS. B. FESSENDEN.

1846: Witness—

EDWARD CABOS.

SAN JOSE, *April 8, 1847.*

SIR: In reply to your letter of this morning, demanding the delivery of sundry letters of instruction, I have to inform you that those documents are not of the ship's papers, and that I do not think proper to deliver them.

On the other hand, I have to inform you that I cannot, honorably, deliver any private letters, and that I inadvertently delivered those yesterday with the ship's papers. At the same time, I shall always be ready to produce any letter on trial at court.

I have the honor to be, very respectfully, your most obedient servant,

P. PETERSON.

To JOHN B. MONTGOMERY, Esq.,

*Commander U. S. Ship Portsmouth.*

William Bell, being called on to state what he knows of the proceedings of the ship *Admittance*, says: "That ship called at Valparaiso from the United States, and remained there twenty-six hours; then she sailed direct to San Blas, Mexico, where she remained for two nights and three days, with a white flag at the fore; did not show the American ensign. While off San Blas, received two communications from the shore by two canoes; then we proceeded along the coast as far as 18° north latitude, looking for some bay or inlet on the coast of Mexico where we might land cargo. Not finding a suitable place, the head of the ship was put for San José, California. While running down the coast of Mexico, the captain ordered canvass to be nailed over the ship's name on the stern to conceal it. The day we left San Blas, I received orders from Captain Peterson not to head the log-book with the destination of the ship; it had been previously headed "for Honolulu." When I engaged to sail in the *Admittance*, I was told verbally by Captain P. that she was to go to California, Honolulu, Manilla, and elsewhere in the Indian ocean; but when I shipped I agreed to go to Honolulu and Manilla. When she shaped a course for San José the log-book was headed accordingly from that time again. On coming into San José we showed English colors for a short time. The captain reprimanded me about the log-book

mentioning the ship's being at San Blas, saying, that if an American man-of-war boarded us, there would be trouble about it.

WILLIAM BELL.

I certify to the foregoing testimony of William Bell, except respecting his private understanding about the destination of the ship, and also respecting all contained in the last paragraph.

ANDREW GRAVES,

*Second Mate.*

The foregoing was given in our presence voluntarily.

J. S. MISSION,

J. W. REVERE.

SAN JOSE, *April 7, 1847.*

William Bell further deposes, that after the arrival of the ship at San José, a regular sea watch was kept, and the arms and cannon of the ship loaded and kept in readiness for use in case the ship should be attacked by the Mexicans.

J. W. REVERE,

*Lieutenant U. S. Navy.*

SAN JOSE, *April 8, 1847.*

Thomas Martin, steward, says, that the Admittance sailed from New Orleans to Valparaiso, where she remained 26 hours; thence she went direct to San Blas, Mexico, off where she remained "off and on" *two nights and three days*; then she ran down to 18° north latitude, looking for a place, as I understood, called Manzanillo, on the coast of Mexico, which not being able to find, the ship's head was put for San José, California. I heard the captain give orders to the chief mate not to head the log-book at a certain time after we left San Blas. We used a white flag at the fore while off San Blas, and while running down the Mexican coast looking for Manzanillo; nailed canvass over the name on the stern, and hoisted the English ensign when approaching San José. We received from the shore off San Blas two communications, by canoes, on different days. I shipped to go to Honolulu. I heard the captain find fault with the chief mate for mentioning the presence of the ship at San Blas, saying, that if we fell in with an American man-of-war, there would be trouble.

Thomas Martin also says, that the boy Edward Barnes was unmercifully flogged by the captain in person, 15 days out, or thereabout, from the United States; that the boy said he would rather drown himself than be subjected to such severity; that he was chained and handcuffed; that, when released, he jumped overboard and drowned himself, the captain having taunted him with wanting courage to drown himself as he had threatened.

THOS. MARTIN.

The foregoing was given in our presence, and voluntarily.

J. S. MISSION,

J. W. REVERE.

SAN JOSE, *April 7, 1847.*

SAN JOSE, *April 8, 1847.*

I certify, that when the last canoe came alongside while the ship "Admittance" was off San Blas, she was detained about two hours, while the captain (Peterson,) was engaged in writing; when she shoved off from us, we immediately filled away and set top gale steering-sails, as the log book will show. Stood away to the southward and westward. I further certify, that at the port of San José, Captain Peterson landed two cases of painted calicoes, fourteen boxes tobacco, two boxes cigars, and three boxes of pipes. The calicoes were marked P. P.

WILLIAM BELL,  
*First Mate.*

SAN JOSE, *April 8, 1847.*

I certify, that when the last canoe shoved off from this ship while off San Blas, we immediately filled away and set steering-sails, standing along the coast of Mexico, looking for some inlet which we did not find. The canoe was alongside about two hours, during which time the captain (Peterson) was writing.

We landed some goods at San José, California.

ANDREW GRAVES.  
*Second Mate.*

SAN JOSE, *April 7, 1847.*

I certify, that Captain Peterson received a long letter of perhaps more than two pages in length, by the second canoe that came off to us, while we were off San Blas; and that he immediately filled away and set steering-sails on that canoe leaving the ship, standing along the coast of Mexico. That he gave the man in the canoe a small quantity of gunpowder; also, that the captain received by the first canoe that came off to us at San Blas, two or three letters, only one of which I saw him open. The one he opened was a full, lengthy letter; and he sent a reply to these communications.

The first canoe was alongside several hours, during which the captain was engaged in writing.

THOMAS MARTIN,  
*Steward.*

SHIP ADMITTANCE,  
*San Jose, April 8, 1847.*

We, the undersigned, men belonging to the ship "Admittance," having heard read to us the obligation (printed,) which Captain P. Peterson asserts that we signed, binding ourselves to go to such ports in the Pacific as the late captain might think proper, and also absolving the ship from the payment of our wages in the event of death, capture, or impressment, &c., &c., do declare, that to the best of our knowledge and belief, no such paper was ever read to

us, when presented for our signatures. Nevertheless, the ship "Admittance" being now captured by the United States ship Portsmouth, for illegal proceedings on the coast of Mexico, we do, in good faith, pledge and bind ourselves, severally and individually, to remain by the ship till arrival at a port of the United States, and will do our duty in all respects.

Phillip Carlo,  
Thomas Cates,  
William Ellenander,  
James Neale,  
Isaac Page,  
James Burck,  
Andrew Graves,

Nicholas Whitcomb,  
Robert Foster,  
James Saunders,  
Pellen Gogtly,  
John Bruce,  
Thomas Martin,  
William Bell.

I witness the annexed signatures, fourteen in number,  
**WILLIAM BELL.**

UNITED STATES COURT OF ADMIRALTY FOR CALIFORNIA,  
*Monterey, June 1, 1847.*

UNITED STATES, }  
vs. }  
SHIP ADMITTANCE. }

In the United States court of admiralty for California, held at Monterey, this first day of June, one thousand eight hundred and forty-seven, comes Commander John B. Montgomery of the United States navy, who prosecutes in this respect for the said United States, and also for the officers and crew of the United States ship "Portsmouth" under his command, and being present in this honorable court in his proper person, in the name and on behalf of the said United States and the officers and crew aforesaid, alleges, propounds, and declares as follows, that is to say:

First. That open and public war did at all the times mentioned in this libel exist, and does now exist, between the United States of America and their territories, and the republic of Mexico and the dependencies thereof.

Secondly. That the prosecutor is, and at all times mentioned in this libel was a commander in the navy of the United States, and is, and at all the times mentioned in this libel was commander of the said ship of the United States called the Portsmouth.

Thirdly. That the prosecutor, commander of the United States ship Portsmouth, did, in pursuance of the said state of war and instructions from the commander-in-chief of the Pacific squadron, on the sixth day of April, one thousand eight hundred and forty-seven, at the port of San Jose in Lower California, seize and take as prize a certain ship or vessel called the Admittance, with her cargo, provisions, tackle, and all other appurtenances.

Fourthly. That the said ship or vessel called the admittance is, and at all the times hereinafter mentioned, was a merchant vessel belonging to citizens of the United States of America.

Fifthly. That the said ship or vessel, called the Admittance, having been so seized and taken as aforesaid, has been brought into the port of Monterey for legal adjudication, and is now in the said port, within the jurisdiction of this honorable court.

Sixthly. That, by reason of the premises, the said ship or vessel, called the Admittance, with her cargo, provisions, tackle, and all other appurtenances, have become forfeited to the said United States, under the officers and crew of the said United States ship Portsmouth, and ought to be considered to their uses.

Lastly. That all the premises are and were true, public, and notorious, on which true proof being made, the said prosecutor prays the usual process and monition of this honorable court in this behalf to be made, and that all persons interested in the said ship or vessel, called the Admittance, her cargo, provisions, tackle, and appurtenances, may be cited in general and special to answer the premises, and all due proceedings being had, that the said ship or vessel, her cargo, provisions, tackle, and all the other appurtenances, may, for the causes aforesaid, and others appearing, be condemned by the definitive sentence and decree of this honorable court, as forfeited and adjudged to be lawful prize, as aforesaid.

JOHN B. MONTGOMERY,

*Commander U. S. Navy.*

At a continued court, held June the third, one thousand eight hundred and forty-seven, Commander John B. Montgomery and Lieutenant John S. Mezroon appeared on behalf of the captors of the ship Admittance, and Peter Peterson, captain of the ship Admittance, for the owners, when Commander Montgomery read in open court the following statement, which, he averred, was penned at the time and place therein mentioned:

For the information of the honorable judge and court, before whom the case of the American ship Admittance shall be brought for trial, the undersigned, commander of the United States ship Portsmouth, has the honor to state:

That on the arrival of the United States ship Portsmouth at San Jose, Lower California, a port of the enemy, on the 29th of March, the American ship Admittance was lying at anchor there. Captain Peterson on that day, in answer to inquiries, informed the undersigned that he was last from San Blas, where he remained thirty-six hours in communication with his agents, or consignees, on shore, when, fearing that it might not be safe to remain, he had by directions of his agents then proceeded with the ship direct to San Jose, to the care of Mr. Thomas Mott, to whom he brought a letter of introduction from said agents, or consignees, at San Blas, and that his purpose was to remain at San Jose, or elsewhere, until he could with safety return and discharge at San Blas.

In the course of this conversation Captain Peterson distinctly stated, in answer to interrogatories, that he sailed from New Orleans with purpose of proceeding to San Blas, in the expectation that the



war would be over before his arrival, and that he had touched nowhere but at Valparaiso, from whence he proceeded direct to San Blas.

On the 6th of April a Mexican launch arrived from Mazatlan, bringing a Mr. Gonzalez, the bearer of letters to Mr. Mott, Mr. Bolton, and Captain Peterson, respecting the ship Admittance; and Gonzalez informed the undersigned, in confirmation of a remark made by Mr. Mott, who was present, that he was sent over by the agents of the consignees of the cargo, with the sanction of the authorities at Mazatlan, for the purpose of conducting the Admittance to the port of San Blas, where every thing was arranged for the safe entrance and discharge of the ship under English or neutral colors, or even without a national flag, if deemed preferable, which is more particularly set forth in a separate certificate of the undersigned, included among the papers herewith submitted.

These circumstances, in connexion with information subsequently received respecting the deceptive clearance of the ship at New Orleans, and afterwards at Valparaiso, for the port of Honolulu, (where it appeared the ship had not been, nor at any time, during the voyage out, had endeavored to reach,) led to the examination of the ship's papers and log-book, upon the evidence of which, on the 7th instant, the undersigned, in pursuance of his duty, seized the said ship Admittance in the name of the United States, on the following grounds, viz:

1st. For falsely and deceptively obtaining clearance for Honolulu at New Orleans, and subsequently at Valparaiso, with design of proceeding, (not to Honolulu,) but to the enemy's port of San Blas, and there to discharge her cargo, as plainly shown by the *charter party, the owners' letter of instructions to Captain Peterson before leaving the United States*, and the bills of lading, one of which exhibit a partial erasure of the words "San Blas," which is still discernible, and Honolulu written in its place, a precaution which seems to have been forgotten, in another place, in the same paper, where San Blas is written in full, as the place where the cargo was to be delivered to Don Luis Rivas Gongara, or to his assigns, &c. The documents were regarded as furnishing conclusive evidence of a deliberate design on the part of the *owners, shippers, and captain* of trading and holding illegal intercourse with the enemy, in violation of the laws of the United States.

2d. For actual communication with agents, consignees, or others, at the enemy's port of San Blas, during the 3d and 4th, or 5th of March last, or thereabouts, as shown by the log-book, and statements of Captain Peterson to the undersigned, as well as the written statements of the chief mate, with a view of securing a safe entrance for the ship, as well as cargo, in accordance with the owners' instructions, as per Charles B. Fessenden's letter to Capt. Peterson, dated at Boston, September 2, 1846, as follows: "You must be cautious about going into a Mexican port, for, although the consignees may have authority to land the cotton yet they might seize the vessel after being discharged, unless the vessel, as well as cargo, had permission from the Mexican authority."

That such was the object and nature of the communication between the ship and Mexican shore at San Blas, seems still further manifest by the bond of indemnity found in possession of Captain Peterson, and given by a Mexican mercantile house in Mazatlan, against the seizure of the Admittance in a Mexican port, and which was brought from Mazatlan by Señ. Gonsalez, the Mexican officer, or agent, who arrived on the 6th, for the purpose of conducting the ship from San José to San Blas, as stated to me by Mr. Mott and Gonsalez himself. The whole arrangement, in fact, for the secure return of the ship Admittance to San Blas, as thus provided, it may well be supposed, originated in the communications opened between Captain Peterson and his agents, or consignees, at San Blas, at the time referred to, which must also be inferred by the letter, of Tucker, Torre & Co., of Mazatlan, brought to Captain Peterson by Gonsalez, the bearer of the bond.

The undersigned respectfully calls the attention of the court to the proclamation of General Bustamente, obtained from Captain Peterson, and received by him from Gonsalez, with the bond and letter from Mazatlan, which could only have been designed by the Mexican commander to apply to American vessels, and to encourage this species of illegal commerce between Mexican ports and the citizens and merchant vessels of the United States.

The proof presented by the papers and log-book of the ship Admittance of deliberate design and practice of deception and illegality in every thing appertaining to her late voyage, from the charter party to the moment of her seizure, on the 7th instant, are overwhelming. The charter party, the owners' letter of instruction, and bills of lading, taken singly, in connexion with the undeviating course of the ship to San Blas, and actual communication there, in direct violation of the laws of the United States, being sufficient, in the judgment of the undersigned, to require her condemnation.

The testimony of the mates and crew of the Admittance will probably throw an additional light upon the whole matter, and further show that the ship appeared without her national colors, and displayed a white flag, while in communication at San Blas, from whence she was steered to the southward and westward, along the coast of Mexico, looking for a secure anchorage; having a strip of canvas tacked over her name upon the stern, in order to conceal her national character from American cruizers, should any be met with, and that not until failing to find the retired port he was looking for, did Capt. Peterson direct his course for San José, which is also shown to be the case by the log-book, being in direct contradiction of Captain Peterson's statements, that the Admittance had proceeded from San Blas to the port where found by the United States ship Portsmouth.

The undersigned would further state that sufficient time having elapsed since the seizure of the ship, on the 7th instant, to admit of the substitution of other letters for the genuine ones referred to in the letter of Tucker, Torre & Co., of the 1st of April, and refused to be furnished by Captain Peterson, when applied to (by note) after the seizure, it may be a question whether said papers

should be allowed to be produced upon the trial, as there can be no doubt, if they had been favorable to the ship, they would have been promptly furnished upon the examination of the papers, on the character of which depended the seizure or security of the ship and cargo.

The undersigned has the honor to present herewith, the protest of the master of the *Admittance*, received since sealing up the ship's papers, in reference to which, he respectfully requests the attention of the court to the letters of Tucker, Torre & Co., of Mazatlan, the log-book of the 3d and 4th of March, and the testimony of the chief mate; to show misrepresentation therein, illegal communication with an enemy's port then had, and the evident avoidance of discovery by any American cruizer which might be fallen in with, as well as of an actual design to discharge his cargo upon the shores of the enemy.

With profound respect, the undersigned has the honor to subscribe himself.

JOHN B. MONTGOMERY,  
*Commander.*

U. S. SHIP PORTSMOUTH,  
*San Jose, April 8, 1847.*

Commander Montgomery then delivered to the court all the original ship's papers found on board the *Admittance*, with the log-book of the same, and being duly sworn, testified that these papers, each and all, were delivered to the court in an entire unmutilated state.

The following is a list of the papers, to wit: 1. Clearance from New Orleans; 2. Clearance from Valparaiso; 3. Copy of manifest; 4. Register; 5. Two bills of lading; 6. Letter of instructions from owners; 7. Letter of instructions from Tucker & Torre; 8. Proclamation of Mexican chief; 9. Bond of Tucker, Torre & Co.; 10. Shipping articles; 11. Muster roll; 12. Charter party, and also, Captain Peterson's refusal to deliver up certain papers.

William Bell having been summoned as a witness, appeared, and testified under oath as follows, to wit:

Questioned by the court. What position did you occupy on board of the *Admittance*?

Answer. That of chief mate.

Question. What ports did the *Admittance* touch at, after leaving the United States?

Answer. At Valparaiso, and from thence she proceeded direct for San Blas in Mexico.

Question. When you were at Valparaiso, did you hear of the continuance of war between Mexico and the United States?

Answer. Yes, I did.

Question. How did the *Admittance* come to go on to an enemy's coast?

Answer. I do not know, unless it was to dispose of her cargo.

Question. How long did you remain off San Blas?

Answer. Three days and two nights.

Question. Did you have any signal flying, while you were off San Blas?

Answer. Yes; we had a white signal at the fore.

Question. Did that signal bring off any boats?

Answer. The second morning a canoe came off to the ship.

Question. Did she bring any letters or other communications from the shore, for the captain of the Admittance?

Answer. Yes, she fetched a letter.

Question. How long did the canoe remain alongside of the Admittance?

Answer. She remained three or four hours.

Question. What kept her that length of time?

Answer. The captain was writing.

Question. Did the captain of the Admittance send any communication on shore?

Answer. I did not see him give any letter.

Question. Did you receive any other boats alongside of the Admittance?

Answer. Yes; the next day we received another canoe.

Question. What was the object of the second visit?

Answer. To deliver a letter to the captain.

Question. How long did this second boat remain alongside?

Answer. About two hours.

Question. Did any letters go from the ship to the shore, or why did the canoe remain so long by the ship?

Answer. The canoe remained because the captain was writing, but I did not see any letter delivered by him to the canoe.

Question. When the second boat left the ship, what was done?

Answer. We squared away, and kept running along the land.

Question. Why were you sailing in that direction?

Answer. I understood we were looking for a certain bay, or signal, or a white flag from the shore.

Question. By whose direction were you looking for a certain bay?

Answer. By Captain Peterson's.

Question. By whose direction were you looking for a white flag, or a signal from the shore?

Answer. By Captain Peterson's.

Question. Did you receive any instructions from Captain Peterson, respecting making any preparation for landing cargo?

Answer. I had orders from the captain to get blocks and slings prepared, expecting to land the cargo in two days.

Question. What prevented you from landing the cargo?

Answer. We could not find the bay, nor see the signal.

Question. Having run down the coast, looking for this bay, and not finding it, what did you then do?

Answer. We hauled off, and Captain Peterson told me to head the log-book for "San Jose."

Question. What flag, signal, or colors, or disguise, did you use while running down the coast, in search of this bay or signal?

Answer. We hung canvas, painted black, over the ship's stern, to hide the name and disguise it, and, on seeing a brig on the passage, we hoisted English colors.

Question. How was it that a portion of the log-book was without the usual heading?

Answer. Captain Peterson had ordered me not to head it for any place.

Question. What caused him to give you that order?

Answer. Captain Peterson had reprimanded me for putting down in the log-book "San Blas," and likewise having certified that a canoe had been alongside and delivered him a letter. Captain Peterson then observed to me, that if a United States vessel should board us, and overhaul the log-book, he did not know what he should do; he said it would not do to show those letters if we were boarded. He then told me to state in the log-book that the ship had been to San Blas, to get wood and water.

Question. What was the real state of your wood and water, on your arrival off San Blas?

Answer. Had we not have gone to the Mexican coast, we should have had sufficient wood and water to have gone to Honolulu.

Question. Was there any orders given then, or about that time, limiting the expenditure of wood and water?

Answer. No, there were not.

Question. Was there any uneasiness expressed by Captain Peterson, as to wood and water?

Answer. I never heard him express any.

Question. Did you make any exertion to speak the vessel you met, for the purpose of procuring wood and water?

Answer. None at all.

Question. Did you hear any fear expressed, on the part of the crew, of suffering for the want of wood and water?

Answer. No, I did not.

Question. Did you hear on the coast of Mexico, from the canoe that boarded you, that San José was in the possession of the Mexicans?

Answer. No, I did not.

Question. Under what colors did the Admittance enter San José?

Answer. Running in, we hoisted English colors; but when we got close in, we hoisted the American flag.

Question. When you anchored at San José, did you consider the ship safe from a Mexican attack?

Answer. No.

Question. Did you make any preparations for defence in case of attack?

Answer. Yes; Captain Peterson sent word from the shore, one evening, at sun-down, to load the guns and all the muskets, and set a sea watch, as he expected launches over from Mazatlan to take the ship.

Question. Were there any orders given to the looks-out for vessels, in order to speak them, for the purpose of getting supplies of wood and water?



Answer. No, there were no orders given to that effect.

Question. What was the expenditure, as near as you can judge, on board of the Admittance, of water per day?

Answer. We used about a gallon and a half a day each man, and we were never on allowance of water.

Question. After the seizure of the ship at San José, did Captain Peterson, or did he not, apply to get possession of the log-book?

Answer. Yes, he did.

Question. Did you give it to him?

Answer. No; I told him it was taken on board the Portsmouth.

Question. You have said that there were orders on board the Admittance to look out for signals on shore, as you coasted along; had you seen such signals, have you any reason to believe that the ship would have discharged her cargo on the coast of Mexico?

Answer. Yes, I have.

Question. What are your reasons for believing so?

Answer. Captain Peterson had told me he expected to land the cargo in two days. I then asked him if there were any lighters there to take the cargo out, and he told me *they* had to find *lighters*; that he was not going to give his boat to discharge cargo.

Question. Had this place of landing reference to the coast of Mexico?

Answer. Yes, because we were on the Mexican coast, looking for the bay, at the time.

Question by Captain Peterson. Did we not bear away, in different courses and directions, in order to speak a barque, on the first morning of making the coast of Mexico?

Answer. Yes, we did.

Question. Did I endeavor to ascertain, from the English vessel, whether peace or war existed?

Answer. Yes, you did.

Question. What was the reply?

Answer. He said he was just from England, bound to California, without saying whether peace or war existed.

Question. Did he appear to be disposed to hold communication with me?

Answer. No; he endeavored to avoid us.

Question. Did I not order you to have all the tackles and everything in order for discharging cargo, when we were in latitude about 12° north, and before we came on the Mexican coast?

Answer. No, not that I remember.

Question. Did I not frequently mention to you on the passage, and on the coast, that it was my wish to see a man-of-war?

Answer. Yes, I have frequently heard you express such a wish, but not after leaving San Blas.

Question. Did I not do all in my power to ascertain if there was wood and water to be got on Socarro island?

Answer. Yes, you run down to leeward of the island, within

about four miles of it; and the next morning, not seeing any wood, we beat up to the weather side of the island, within four or five miles of the shore, but found there neither wood, nor anything that indicated the existence of fresh water.

Question. Did I not inform you that San José was an American port, stating, at the same time, that we need not cut up any spars?

Answer. There was no occasion for cutting up spars at that time, because we had a plenty of fire-wood on board.

Question. Did we not, on the passage, break out for fire-wood, once on the Atlantic, and twice on the Pacific ocean?

Answer. No; before we went to Valparaiso we got up a few sticks, and afterwards took in wood at Valparaiso.

Question. Did we not stave several casks on deck, and burn the buoys and fenders?

Answer. Yes, before we arrived at Valparaiso, but not afterwards; neither was that done for want of fire-wood.

Question. By whose authority did you tell me, I was not allowed to speak to any of the crew, the first time that I saw you after the seizure of the ship?

Answer. I never told you so.

Witness recalled, and questioned by the court.

Question. Were any articles landed from the Admittance at San José, before the flag of the United States was hoisted there?

Answer. Yes, there were.

Question. What were they?

Answer. Two bales of printed calicoes, fourteen boxes of tobacco, three boxes of pipes, and two boxes of cigars.

Question. Are these things entered on the log as having been landed?

Answer. No, they are not.

The foregoing testimony was read over to the witness, and submitted to him for his signature, which it here bears.

WILLIAM BELL.

Andrew Graves, having been summoned as a witness, appeared and testified, under oath, as follows, to wit:

Questioned by the court. What situation did you occupy on board of the ship Admittance?

Answer. I was second mate.

Question. What ports did the Admittance touch at, after leaving the United States?

Answer. Valparaiso; and from thence proceeded to San Blas, where we laid off and on three days and two nights.

Question. When you laid at Valparaiso, did you hear of the continuance of war between the United States and Mexico?

Answer. I heard nothing of it, not having been on shore.

Question. How came the Admittance to go to an enemy's port?

Answer. I do not know.

Question. Did you have any signal flying while you were off San Blas?

Answer. Yes, we had a white flag at the fore.

Question. Did that signal bring off any boats?

Answer. Two canoes came off to the ship, one on the second day of our arrival and one on the third day.

Question. Did either of these canoes bring any letters or other communications for the Admittance?

Answer. Yes, each canoe brought Captain Peterson a letter.

Question. How long did each of these canoes remain alongside of the Admittance?

Answer. Several hours.

Question. What kept them that length of time there?

Answer. I do not know, unless it was because the captain was in the cabin writing.

Question. Did the captain of the Admittance send any communication on shore?

Answer. I did not see any sent.

Question. Did you receive any other boats alongside of the Admittance?

Answer. No, we did not.

Question. What was done when the second canoe left the ship?

Answer. We squared away, and set top-gallant-studding sails and stood down the Mexican coast.

Question. Why were you sailing down the Mexican coast?

Answer. I do not know.

Question. Did you have any orders given about looking out for a flag, or a bay, or a signal from the shore?

Answer. I did not.

Question. Were there any men stationed at the mast-heads?

Answer. Yes, there was a man at the mast-head, although I did not hear the orders he received, but understood it was to look out for a signal or bay.

Question. Do you know of any order having been given respecting making preparations for landing cargo on the coast of Mexico?

Answer. Yes, I was ordered by the mate to get up blocks and tackle, and I did so.

Question. What caused you to change your course?

Answer. Because the captain, after he had gone aloft, said he could not find the harbor we were looking for.

Question. Did you use any disguise on the ship while on the coast of Mexico?

Answer. Yes; a piece of canvas, painted black, was hung over the stern, covering the ship's name and the word Boston, and outside of the canvas was hung a board with the ship's name in gilt letters, Admittance.

Question. What was the state of your wood and water when you arrived off San Blas?

Answer. Every person on board had as much water as he wanted; no person was on allowance.

Question. What quantity of water do you suppose was used by each man, daily, on board of the Admittance?

Answer. About a gallon and a half.

Question. Was there ever any order given for reducing the expenditure of wood and water?

Answer. No, any more than the cook was told to be careful of his wood.

Question. Did you hear the captain express any uneasiness about the scarcity of wood and water?

Answer. No, I did not.

Question. Did you hear the captain express any anxiety to speak vessels at sea, for the purpose of procuring wood and water?

Answer. No, I did not.

Question. After you left San Blas, did you hear Captain Peterson express any wish to fall in with a man-of-war?

Answer. Not after leaving San Blas, but before arriving there I did.

Question. Did you hear any fears expressed by the crew of suffering for wood and water?

Answer. No, I did not.

Question. Did you meet any vessel after leaving San Blas?

Answer. Yes, we saw a brig, and we showed English colors.

Question. Did Captain Peterson endeavor to speak that vessel?

Answer. No; he did not alter his course.

Question. Did you learn from the canoes that boarded you off San Blas, whether San José was in the possession of the Americans or not?

Answer. No, I did not hear.

Question. Under what colors did the Admittance enter San José?

Answer. She came to anchor under American colors, but had previously hoisted English colors.

Question. When you were lying at anchor at San José, was there any preparation made to resist the attacks of an enemy?

Answer. The captain sent orders to the chief mate, by me, to load all the guns and keep a sea watch, and to let no launch approach the ship.

Question. While you lay at San José, did you land any cargo; and if landed, of what kind?

Answer. We landed two bales, supposed to be printed calicoes, marked P. P., and fourteen twenty-pound boxes of tobacco, also two or four boxes of cigars.

Question. Were those things landed from the Admittance before or after the arrival of the Portsmouth at San José?

Answer. I do not recollect, but the Portsmouth was not there at the time.

Questioned by Captain Peterson. Do you recollect my bearing down for the brig when she was on my larboard bow?

Answer. I do not.

Question. Did the brig change her course from on the wind to before the wind?

Answer. I do not recollect.

Question. Did I not express some anxiety whilst off Manzanillo about obtaining fire-wood?

Answer. I never knew we had been off a place called Manzanillo.

Question. When I ordered the guns to be loaded on board the Admittance, had the American flag been hoisted or not?

Answer. It was after the American flag had been hoisted at San José that the order was given.

The foregoing testimony was read over to the witness, and submitted to him for his signature, which it here bears.

ANDREW GRAVES.

Thomas Martin having been summoned as witness, appeared and testified, under oath, as follows, to wit:

Questioned by the court. What position did you occupy on board of the ship Admittance?

Answer. I was steward.

Question. When the Admittance was at Valparaiso, did you hear of the continuance of war between Mexico and the United States?

Answer. Yes; I heard so from several people on board the ship.

Question. How did that report reach the ship?

Answer. By a boat's crew that had been on shore.

Question. What was the next port you went to?

Answer. We went off San Blas.

Question. What was the ship doing off an enemy's port?

Answer. We laid off and on, and a canoe came off to the ship and brought some letters for Captain Peterson.

Question. How many canoes came off to the ship while she lay off San Blas?

Answer. There were two canoes came off, at different times, while we were off San Blas, where we laid off and on several days.

Question. Were you surprised at going to an enemy's port, or not?

Answer. I was surprised.

Question. Would you have shipped, if you had known you had been going on an enemy's coast?

Answer. I would not.

Question. Where did the ship go, or what did the ship do, after leaving San Blas?

Answer. We went down the coast, looking for a place called Manzanillo.

Question. What prevented your going to Manzanillo?

Answer. We could not find the place.

Question. Did you hear Captain Peterson give any orders about keeping a look out for a signal from the shore?

Answer. Yes, several times; such an order was given by Captain Peterson while we were on the coast of Mexico.

Question. What flag, or signal, if any, did you hoist on board of the Admittance, while on the Mexican coast?

Answer. A white flag.

Question. After leaving San Blas, did you hear Captain Peterson express any wish to fall in with an American man-of-war?

Answer. I do not recollect hearing him express such a wish, after having left San Blas.



Question. Do you know whether Captain Peterson sent any communication to the shore by the canoes that had been alongside?

Answer. Yes.

Question. Did you ever hear any orders given to the mate, relative to the heading of the log-book?

Answer. I heard the captain say to the mate, "who ordered you to head the log-book San José? if an American man-of-war should fall in with us, now, it would completely fix us."

Question. Do you know to whom any of those letters were directed, that were sent from the ship to the shore, in San Blas, by the canoes that came off to the Admittance, while she was lying off and on?

Answer. Yes, I saw a letter to Don Rivas Gongara.

Question. How came you to see that letter?

Answer. I saw it lying on the deck-house over the companion way.

Question. Have you any reason to believe, from what you have seen, or heard, on board of the Admittance, that, had you seen signals on the shore while running down the coast of Mexico, the ship would have been discharged of her cargo?

Answer. I have every reason to believe so; because I heard Captain Peterson give orders to the mate to have the slings all ready for discharging the cotton. I also acted as interpreter with the Mexican, who came off in the canoes, to know whether they could carry a letter for Captain Peterson, for some persons on shore, and return with an answer that same night? The Mexican said he could not do it; but that he would come back early in the morning. The Mexican also told me to tell Captain Peterson that they had launches, and that they would discharge him in two days. Captain Peterson told me to ask the Mexican if he knew where water could be procured for the ship? The Mexican pointed out a place to me, and Captain Peterson said he should be back in about a fortnight.

Question. When you were off San Blas, state what took place when the mate was about leaving the vessel?

Answer. When the mate was about leaving the vessel, Captain Peterson called to those in the boat, and said—"mind, you are all Dutchmen, now—you are not Americans."

Question. Was there a boat lowered at any other time while you were on the Mexican coast?

Answer. Yes, there was a boat lowered about Manzanillo; but was recalled in consequence of a light breeze springing up.

Question. What orders did you hear given to the boat?

Answer. They were, to pay particular attention to see if they could discover any signal on shore.

Question. What other circumstances occurred?

Answer. Captain Peterson went himself, every now and then, to the mast head, to look out for signals from the shore.

Questioned by Captain Peterson. When I saw you the first time after the ship had been seized, what induced you to say that you had shipped under false articles?

Answer. Because the articles I saw on board the ship, presented by the boarding master to the men, were not the same as the articles I signed; and I have seen other articles in your possession, that appeared to me to be the ones I had signed.

Question. Did Mr. Bell not make a practice of going to sleep in his watch on deck?

Answer. Yes, he did.

Question. Was not every body on board the ship allowed plenty of rest and sleep?

Answer. I thought they were.

Question. Do you not know that it was often necessary for me to interfere and attend to the deck, night and day?

Answer. Yes; or I believe we should never have got here.

Question. Did Mr. Bell, in other respects, act in good faith on board the ship?

Answer. I believe he did not.

Question. Have I not many times, in the latter part of the voyage, ordered you to tell the cook to use as little fire-wood as possible?

Answer. Yes, you have.

Question. Have you not often heard me order the cook to be saving of the fire-wood?

Answer. Yes, I have.

Question. Was Mr. Bell confined to his bed while the ship was at Valparaiso?

Answer. Yes, he was; and the doctor came off to see him.

Question. Did Mr. Bell receive any other visitors?

Answer. I do not recollect.

Question. Were you not within hearing of the conversation between Mr. Bell and myself, on our first interview after the seizure of the ship?

Answer. I did not hear or understand what the nature of that conversation was.

Question. Did you not hear Mr. Bell say, that himself and all the crew believed they were shipped under false articles?

Answer. I heard him say those words.

Question. Did I not say, then, to remove this opinion, I must speak to the crew?

Answer. Yes, you did.

Question. Did Mr. Bell not say to me, that I was not allowed to speak to the crew?

Answer. Yes, he did.

Question. Did not the people, who came alongside in the first canoe, ask if the Admittance was not a Dutch ship, loaded with cotton?

Answer. Not in my hearing; but I did hear them say, that Captain Peterson had better take the word "Boston" off the ship's stern.

Question. When I received a letter in the ship's waist, did I not say, "now we are all Dutchmen?"

Answer. I, not being present, did not hear that expression.

Question. Were the two letters, brought to me off San Blas,

brought by the same canoe and crew, or by a different canoe and a different crew?

Answer. I do not know.

Question. Did you not, by my order, tell the cook to give the crew of the canoes some provisions?

Answer. I gave them provisions myself.

Question. Did you not, when the last canoe came alongside, take one of the crew into your berth, he having previously stated that he was very much fatigued?

Answer. No, I did not; the man who laid down in my berth, went there on his own accord.

Question. Did you not hear that same man, in the cabin, ask me to sell him some tobacco, and I gave him some—and do you know if I did sell him any?

Answer. I did not hear him ask you to sell him tobacco; I heard him ask you to sell him some powder, and you gave him some.

The foregoing testimony having been read over to the witness, was submitted to him for his signature, which it here bears

THOMAS MARTIN.

At a continued court, held June 4th, 1847, Nicholas Whitcomb, having been summoned as a witness, appeared and testified, under oath, as follows, to wit:

Questioned by the court. What position did you occupy on board of the ship Admittance?

Answer. I was sailmaker.

Question. What was the first port you touched at, after leaving the United States?

Answer. Valparaiso.

Question. When at Valparaiso, did you hear anything of the continuance of the war?

Answer. Yes; I heard from the people in the boat that war still existed.

Question. What port did you go to next?

Answer. We went off San Blas.

Question. Did you expect, when you shipped, to go off a Mexican port?

Answer. No, I did not.

Question. Did you make any signals on the Mexican coast?

Answer. Yes, we hoisted a white flag.

Question. Did any boats come off to you?

Answer. Yes, there two canoes came off. What time the first one came, I cannot recollect, but the second one came alongside one forenoon.

Question. What did the ship do, after having communicated with the canoes?

Answer. We squared away the yards, set studding-sails, and stood down the coast.

Question. Were there any look-outs placed at the mast-heads, while you were on the Mexican coast?

Answer. Yes, I was one myself; and my orders were to look out for bays, signals from the shore, and canoes.

Question. Did the watch, at night, have orders to look out for anything?

Answer. Yes, they had orders to look out for lights on shore.

Question. Did you ever hear the captain give any orders to the mate about getting straps, slings, &c., prepared for discharging the cargo?

Answer. Yes, those orders were given while looking for the bay. The mate was ordered to have everything in readiness for discharging cargo, as I understood, in the place we were looking for.

Question. Did the captain ever say anything to you on the subject?

Answer. He said to me, on the top-sail yard, that he meant to discharge the cargo on the Mexican coast, in the place he was looking for.

Question. Was the ship disguised in any way?

Answer. Yes, the ship's name was covered over with canvas, nailed on the stern of the ship.

Question. Did you use the water on board liberally?

Answer. Yes, we were on no allowance.

Question. Were you distressed for wood?

Answer. No, not on the coast of Mexico.

Question. Do you consider that Captain Peterson has acted in good faith by you, in having brought you on an enemy's coast?

Answer. I do not consider that he has.

Questioned by Captain Peterson. Were you directed by myself, or Mr. Bell, to keep a look-out at the mast-head?

Answer. Both yourself and Mr. Bell gave me orders.

Question. Did you receive any directions from me to look out for a white flag on shore?

Answer. Yes, I did.

Question. Were you not the only person in your watch who kept a look-out at the mast-head?

Answer. Yes, I was the only person.

Question. How many times was I off the deep bay?

Answer. I do not remember.

Question. Did you not see a sail, after leaving San Blas?

Answer. I was not on deck at the time, but heard the other watch say they had seen a sail.

Question. Was not the hold broke out, after leaving Valparaiso, while on the Pacific ocean, twice for fire-wood?

Answer. Not after we left Valparaiso.

Question. Did I cast anchor in San José, before being boarded by a craft that came down along shore?

Answer. No, you did not.

Question. Did you not hear the person that came on board and went forward with me say that there were plenty of Americans living on shore?

Answer. I did not hear it; I was at the helm.

The foregoing testimony having been read over to the witness, was submitted to him for his signature, which it here bears.

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NICHOLAS + WHITCOMB.

Witness:

WILLIAM R. GARNER.

Peter Gutthiges having been summoned as a witness, appeared, and testified under oath as follows, to wit:

Questioned by the court. What station did you occupy on board of the ship Admittance?

Answer. I was carpenter of the Admittance.

Question. When you shipped, did you know you were going on an enemy's coast?

Answer. No, I did not.

Question. Would you have shipped, if you had known you were going to be carried on an enemy's coast?

Answer. No, I would not.

Question. Did any canoes come off to the ship, while you were laying off San Blas?

Answer. Yes, there were two canoes came off.

Question. After you left San Blas, did you look out for any place to land cargo on the Mexican coast?

Answer. Yes, we did; but I do not know the name of the place.

Question. Did you nail anything on the stern of the ship, to disguise her?

Answer. Yes, I was ordered to nail a piece of canvas over the ship's name, and did so.

Questioned by Captain Peterson. On the coast of Mexico, towards San José, did I not order you to break up, at one time, two water casks, and at the same time to look on deck, and below, and gather all the fenders and fire wood you could find, and give it to the cook?

Answer. I did break up two water casks at that time.

Question. Did you not, several times previous to this, both on the Atlantic as well as the Pacific ocean, break up casks for fire-wood?

Answer. I did break up several other casks; some of the staves of which I gave to the cook, and of others made buckets.

Question. Did I not order you to save for the cook all the chips and shavings?

Answer. The captain used generally to say, give the chips to the cook?

The foregoing testimony having been read over to the witness, was submitted to him for his signature, which it here bears.

Thomas Cates having been summoned as a witness, appeared and testified under oath as follows, to wit:

Questioned by the court. What position did you occupy on board of the ship Admittance?

Answer. That of seaman.



Question. When the Admittance was at Valparaiso, did you hear of the continuance of war between the United States and Mexico?

Answer. I heard nothing definite concerning the war.

Question. When you were off San Blas, did the ship have any communication with the shore?

Answer. There was a canoe came off with one man in it, who brought a letter, but I do not know of any letter going from the ship to the shore; and the next morning before 8 o'clock, another canoe came alongside.

Question. Where did the ship go to after she left San Blas?

Answer. We stood down the coast, and the rumor in the ship was, that we were going somewhere to land cargo.

Question. Did you hoist any signals on the coast?

Answer. Yes; we hoisted a white flag at the fore.

Question. Did you know when you shipped that you were coming on an enemy's coast?

Answer. I did not, or I certainly would not have come.

Question. What was the reason the Admittance did not go into some bay and land her cargo?

Answer. Because we could not find the bay we were looking for.

Question. Was it absolutely necessary that you should go to the Mexican coast for wood and water?

Answer. No; we took in wood at Valparaiso, and the scuttle butt of water was free for every one to use as he pleased.

Questioned by Captain Peterson. Were you not one of the crew in the boat that went to board the English vessel off San Blas?

Answer. No; I was not.

Question. Was not the Admittance twice off the deep bay to the southward of San Blas?

Answer. We were standing off and on four or five days looking for the bay, where we understood the cargo was to be landed.

Question. Was there anything to prevent the ship from going into any bay on the southern side of the Mexican coast?

Answer. I do not know of anything.

The foregoing testimony having been read over to the witness, was submitted to him for his signature, which it here bears.

James Neale having been summoned as a witness, appeared and testified under oath as follows, to wit:

Questioned by the court. What position did you occupy on board of the ship Admittance?

Answer. That of seaman.

Question. Did you know, when you shipped, that you were to go to an enemy's coast, or would you have gone if you had known you were to be carried there?

Answer. I did not know it, and would not have shipped if I had.

Question. Did the Admittance have any communication with the shore while she lay off San Blas?

Answer. There were two canoes came off at different times.

Question. Where did you go to from San Blas?

Answer. We went down the coast of Mexico, as I understood,

for the purpose of landing cargo; but not being able to find the desired place of landing, we bore up and came to San José.

Questioned by Captain Peterson. Were you not one of the crew sent in the boat to board the English frigate off San Blas?

Answer. Yes, I was.

Question. Did you get on board of the frigate?

Answer. No, we did not.

Question. Do you know that Mr. Bell, on that occasion, was the bearer of a letter?

Answer. No, I do not.

Question. Was not this between three and four o'clock in the afternoon?

Answer. Yes, it was.

Question. Were not you recalled on your way to the frigate by a signal from the ship?

Answer. Yes, we were.

Question. Did not the canoe arrive alongside about an hour after your return to the ship?

Answer. Yes, it did.

Question. Was not this canoe the first that came to the ship?

Answer. Yes, it was.

Question. Did not another canoe come alongside the next morning, between four and half past seven o'clock?

Answer. Yes, it did, because when I came on deck at seven bells the canoe was alongside.

Question. Were you the only person who kept a look-out at the mast-head in your watch?

Answer. Yes, I was the only person who kept mast-head in the starboard watch.

Question. Were you at any time directed by me to look out for a white flag on shore?

Answer. Yes, you yourself called to me two or three times, saying that I was to let you know if I saw any flag on shore, or boat coming off.

The foregoing testimony having been read over to the witness, was submitted to him for his signature, which it here bears.

JAMES NEALE.

James Saunders having been summoned as a witness, appeared and testified under oath, as follows, to wit:

Questioned by the court. What position did you occupy on board of the ship Admittance.

Answer. That of seaman.

Question. Did you suspect when you shipped in the Admittance that you were to go to an enemy's coast?

Answer. No, I did not, neither would I have shipped in her if I had known she was coming on an enemy's coast.

Question. Did the Admittance have any communication with the enemy's coast near San Blas?

Answer. Yes, she did by means of two canoes, that came off at different times.

Question. Where did the ship go, after having been boarded by these canoes?

Answer. Down the Mexican coast.

Question. What was her object in cruising down the Mexican coast?

Answer. To look out for launches, canoes, flags on shore, and bays.

Question. What was the reason the ship did not go into some bay?

Answer. I believe the reason was, because we could not find the bay the captain was looking for.

Questioned by Captain Peterson. Did you not see any bays on the south coast of Mexico?

Answer. No, I did not.

Question. What was the distance, in your judgment, from the shore to the ship, when the ship stood off to sea?

Answer. About ten or twelve miles.

Question. Did you see a vessel after leaving San Blas for the south?

Answer. Yes, I did.

Question. Did you know on what tack she was standing?

Answer. I do not know on what tack she was standing when I first saw her, but sometime afterwards I saw her on the starboard tack.

Question. Did that vessel change her course from on the wind to before the wind?

Answer. I do not recollect.

The foregoing testimony, having been read to the witness, was submitted to him for his signature, which it here bears.

his  
JAMES + SAUNDERS.  
mark.

Witness: WILLIAM R. GARNER.

James Burke having been summoned as a witness, appeared and testified under oath, as follows, to wit:

Questioned by the court. What position did you occupy on board of the ship Admittance?

Answer. That of ordinary seaman.

Question. Where did you ship in the Admittance?

Answer. At Valparaiso.

Question. Did you hear of war existing between the United States and Mexico?

Answer. Yes, I did.

Question. Did you agree, when you shipped, to go off the port of San Blas, in Mexico?

Answer. No, I did not.

Question. Would you have shipped if you had known the ship was going on the coast of Mexico?

Answer. No, I would not.

Question. Did the ship have any communication with the shore, by means of canoes, while she was off San Blas?

Answer. Yes, she did.

Question. How often?

Answer. By two canoes.

Question. Where did the ship go to, or what did she do, when the last canoe left her, off San Blas?

Answer. We squared away the yards, and run down in search of a bay, called Manzanillo.

Question. Did you see the bay that you were looking for?

Answer. No, we could not find it.

Questioned by Captain Peterson. Were you not the look-out man at the mast head, on approaching San Blas?

Answer. I was sent up once by you to look out.

Question. Were you not the man who reported the first canoe that approached the ship?

Answer. Yes, I was.

Question. Was that canoe not in the direction of the ships lying in shore of us?

Answer. Yes, it was.

Question. What time in the day was it?

Answer. Some time in the afternoon.

Question. Did it not blow a fresh breeze at the time?

Answer. Yes, it did.

The foregoing testimony having been read over to the witness, was submitted to him for his signature, which it here bears.

JAMES BURKE.

William Hollander having been summoned as a witness, appeared and testified under oath, as follows, to wit:

Questioned by the court. What position did you occupy on board of the Admittance?

Answer. That of seaman.

Question. Where did you ship in the Admittance?

Answer. At New Orleans.

Question. Did you hear or know of the existence of war between the United States and Mexico when you shipped?

Answer. Yes, I understood that war did exist.

Question. Did the Admittance go off San Blas from Valparaiso?

Answer. Yes, she did.

Question. Did Captain Peterson have any communication with the shore, by means of canoes whilst lying off San Blas?

Answer. There were two canoes came off to the ship at different times.

Question. Did they bring anything off to the ship?

Answer. Yes, they brought some letters.

Question. Where did the Admittance go when the last canoe left her?

Answer. She stood down the coast of Mexico.

Question. Did she go into any other bay on the Mexican coast?

Answer. No; we went to look for some bay, but could not find it.

Question. When you shipped in the Admittance, did you expect to go on the Mexican coast?

Answer. No, I did not.

Question. Would you have shipped if you had known you had been going off an enemy's port or coast.

Answer. No, I would not.

Questioned by Captain Peterson. Did you not see a large white rock or island, in two instances, close in shore?

Answer. Yes, I saw a large white rock close in shore.

Question. Did you not see a curve in the land, not like the bay of Monterey, but a bay about two or three miles in depth to leeward of the rock?

Answer. Yes, I did.

The foregoing testimony was read over to the witness and submitted to him for his signature, which it here bears.

At a continued court, held June 5, 1847, Philip Carlend having been summoned, appeared and under oath testified as follows, to wit:

Questioned by the court. What position did you occupy on board of the ship Admittance?

Answer. That of seaman.

Question. Where did you ship on board the Admittance?

Answer. At New Orleans.

Question. Did you hear or know, when you shipped on board the Admittance, of the existence of war between the United States and Mexico?

Answer. Yes, I heard there was war on the other side of the coast, but did not know there was war on this side.

Question. Would you have shipped to go on an enemy's coast?

Answer. No, I would not.

Question. Did the Admittance have any communication with the shore, off San Blas, and if she did, by what means?

Answer. The day after we arrived at San Blas, a canoe came off to us, and the next day another canoe came off. The first canoe brought a letter, the second one came alongside in my watch below, and I do not know whether she brought any letter or not.

Question. What did the ship do or where did she go after the last canoe left her?

Answer. She went down the coast.

Question. Did she go into any bay on the coast of Mexico?

Answer. No; we looked for some bay for two days, but, I believe, could not find it.



Questioned by Captain Peterson. Do you remember seeing a large white island or rock close in shore?

Answer. Yes, I do.

Question. Did you not see an indenture in the land, or small bay to leeward of that rock?

Answer. I did see a small bay to leeward of that rock, as we laid off and on.

The foregoing testimony having been read over to the witness, was submitted to him for his signature, which it here bears.

PHILIP CARLEND.

Robert Foster having been summoned as a witness, appeared and testified, under oath, as follows, to wit:

Questioned by the court. What position did you occupy on board of the ship Admittance?

Answer. That of seaman.

Question. Where did you ship on board of the Admittance?

Answer. At New Orleans.

Question. Did you know, when you shipped in the Admittance, of the existence of war between Mexico and the United States?

Answer. Yes, I did.

Question. Did you, when you shipped, agree to go off the coast of Mexico?

Answer. No, I did not.

Question. Would you have shipped if you had known you were going on an enemy's coast?

Answer. No, I would not.

Question. Did the Admittance have any communication with the shore while she was laying off San Blas; and, if she did, by what means?

Answer. Yes, she did; two canoes came off to her; one in the evening and another the next morning. I do not know whether they brought any letters or not.

Question. What did the ship do when the last canoe left her?

Answer. She squared away and stood down the coast.

Question. Did you enter any bay on the coast of Mexico?

Answer. No, we did not enter any bay; but we saw two white rocks that looked as if they formed a small bay.

Questioned by Captain Peterson. Was not one of those white rocks very small; that is to say, the leeward one, and the weather one quite large?

Answer. The weather one appeared to me to be considerably larger than the lee one.

Question. Were you not one of the crew sent in the boat to board the English vessel?

Answer. Yes, I was.

Question. Did you not see me give Mr. Bell a letter, or did you not see the letter on the stern sheets of the boat, where it had been placed by Mr. Bell?

Answer. I saw Mr. Bell have a letter in the boat.

The foregoing testimony having been read over to the witness, was submitted to him for his signature, which here it bears.

ROBERT FOSTER.

John Bruce having been summoned as a witness, appeared and testified, under oath, as follows, to wit:

Questioned by the court. What position did you occupy on board of the Admittance?

Answer. I was an ordinary seaman.

Question. Where did you ship?

Answer. In Valparaiso.

Question. When you shipped in the Admittance, did you know of the existence of war between the United States and Mexico?

Answer. Yes; I did.

Question. Did you, when you shipped, agree to come off San Blas, or any other part of an enemy's coast?

Answer. No; I did not.

Question. Would you have shipped if you had known you were coming on an enemy's coast?

Answer. No, I would not.

Question. Did the Admittance have any communication with the shore, whilst laying off San Blas?

Answer. Yes; she had by means of two canoes, one of which came off in the evening and the other the next morning; each of them brought a letter.

Question. What did the ship do, or where did she go, after the last canoe left her?

Answer. She went down the Mexican coast.

Question. What did the ship go down the coast for?

Answer. I always supposed she went with the intention of landing cargo.

Question. Did you enter any bay?

Answer. I saw no bay. I saw two white rocks.

Questioned by Captain Peterson. What made you suppose the ship was going down the coast to discharge cargo?

Answer. Because I heard the men say Mr. Bell had said so, and I myself made the slings.

Question. Were the slings made for the purpose of discharging cargo?

Answer. I suppose so, because I heard the men say that, should no launches come off, we should have to raft the cotton on shore.

The above testimony having been read over to the witness, was submitted to him for his signature, which here it bears.

Isaac Page having been summoned as a witness, appeared and testified, under oath, as follows, to wit:

Questioned by the court. What position did you occupy on board of the ship Admittance?

Answer. I was seaman.

Question. Where did you ship?

Answer. In New Orleans.

Question. When you shipped did you know the Admittance was coming on to an enemy's coast, and would you have shipped, if you had known it?

Answer. No, I did not know it; neither would have I shipped, if I had known it.

Question. Did you know of the existence of war between the United States and Mexico, when you shipped?

Answer. Yes, I knew of the war between the United States and Mexico, but was not aware of the war in California.

Question. Did the Admittance have any communication with the shore, while she was lying off San Blas?

Answer. I do not know of any communication whatever.

Question. What did the Admittance do, or where did she go, after leaving San Blas?

Answer. She went along the coast, and I know no more about it.

Question. What was she going along the coast for?

Answer. I suppose to land cargo, as slings were made, and blocks prepared; and the mate said that they were going to land cargo.

Question. Why did she not land her cargo?

Answer. I suppose because they could not find the place.

Questioned by Captain Peterson. Did you see any bay on the coast?

Answer. I saw no bay; but I saw two white rocks; one small one, to leeward, and a larger one to windward.

The above testimony having been read over to the witness, was submitted to him for his signature, which here it bears.

ISAAC PAGE.

Here the examination of the crew of the Admittance closed, and the following witnesses were called in by Captain Peterson, on behalf of the owners.

Charles Walters having been summoned, appeared and testified, under oath, as follows, to wit:

Questioned by Captain Peterson. How long have you been navigating on the south coast of Mexico, about Manzanillo; and how many times have you been there?

Answer. I have been six times in the harbor of Manzanillo, in the course of fifteen years.

Question. Did you have any difficulty in finding the harbor of Manzanillo, the first time you went there?

Answer. No, I did not.

Question. Is there any place within twenty or thirty miles of Manzanillo, that looks like a bay, or a fit place for landing a cargo?

Answer. Yes; there is a place called "Natividad," about thirty miles from Manzanillo.

Is not Manzanillo, very easy to be found; and is there not a large white rock to the westward, which lies off the head land, and ano-

ther small white rock to the southward, that lies off the other head land?

Answer. Yes, it is very easy to be found.

Question. When you get within three miles of the head land, can you not perceive a point of land in the centre of the bottom of the bay?

Answer. Yes, such a point may be perceived.

Questioned by the court. What is the name of the anchorage resorted to by smugglers, sometimes, just on the other side of the bluff, or point, that forms the harbor of Manzanillo?

Answer. There is no anchorage within thirty miles of Manzanillo, unless it be the one before mentioned, as the Natividad.

The foregoing testimony having been read over to the witness, was submitted to him for his signature.

James Arbell having been called in, at the request of Captain Peterson, appeared and testified under oath as follows, to wit:

Questioned by Captain Peterson. How many times have you been to the port of Manzanillo, as commander of a vessel?

Answer I have been to Manzanillo once, as commander of a vessel.

Question. Did you have any difficulty in finding the place?

Answer. I had not.

Question. Have you seen any other place about Mansanilla that has the appearance of a bay?

Answer. No, I have not.

Question. Is there not a very remarkable large white rock to the westward of the bay of Manzanillo?

Answer. Yes, there is.

Question. When you open the whole of the bay, can you not see a spit of land in the bottom of the bay, that looks like small cliffs, with bushes scattered over the top of it?

Answer. No, I have never noticed such a mark.

The foregoing testimony having been read over to the witness, was submitted to him for his signature.

James McKinlay, having been called by Captain Peterson, appeared and testified, under oath, as follows, to wit:

Question by Captain Peterson. How many times have you been to the port of Manzanillo?

Answer. I have been there but once, and laid there about a month.

Question. Were you supercargo or passenger?

Answer. I was passenger.

Question. You have been several years going to sea, have you not?

Answer. Yes, I have.

Question. Did you not see a spit of land in the bottom of the bay of Manzanillo?

Answer. Yes, I know such a mark.

Question. Is that spit of land not covered on the top with brush-wood?

Answer. Yes, it is.

Question. Are there not several cliffs on the extremity of the point?

Answer. Yes, there are a number of rocks off the point.

The foregoing testimony, having been read over to the witness, was submitted to him for his signature.

Washington A. Bartlett, having been summoned by the court, appeared and testified, under oath, as follows, to wit:

Question by the court. Have you been to the harbor of Manzanillo; and, if you have, in what ship?

Answer. I was in Manzanillo in the year 1845, in the U. S. ship Portsmouth.

Question. Is, or is not, the anchorage so much shut in by the bluff that makes the harbor, as to render the appearance of the anchorage indistinct?

Answer. I think it is.

Question. Did not the Portsmouth stand close in, and, in consequence of the uncertainty, send a boat into the harbor to ascertain if that was the anchorage; if so, what officer went into the boat?

Answer. The Portsmouth did stand well into the bay, abreast of some rocks called the Friars, and in sight of a rock on the south-east side of the bay that lies on the beach. Seeing no protection in the anchorage on the south side of the bay, we lowered a boat; Acting Master Wilkinson took charge of her, and was directed to proceed to the beach and examine the soundings and localities; the ship being hove to, to await the return of the boat. The boat soon disappeared round the point, but shortly after returned, and reported the anchorage safe.

Question. When you were close in, could the man at the mast-head make out the anchorage?

Answer. Not in the anchorage we occupied when we went in.

Question by Captain Peterson. From about the centre of the entrance of the bay, can a vessel or her spars be seen at her anchorage?

Answer. I should think not; that is to say, if the vessel was anchored with the usual scope.

The foregoing testimony, having been read over to the witness, was submitted to him for his signature, which here it bears.

The examination of the witnesses closed here. At a continued session, held June 6, 1847, the parties in the case of the Admittance being present, and having informed the court that they had no further evidence to produce, the court, after citing the law applicable in the case, condemned the ship Admittance and her cargo as a lawful prize.

Given under my hand and seal at Monterey, Upper  
[L. s.] California, this tenth day of June, in the year of our  
Lord one thousand eight hundred and forty-seven.

WALTER COLTON.



Given under my hand and seal at Monterey, Upper California, this tenth day of June, in the year of our Lord one thousand eight hundred and forty-seven.

The examination of the witnesses closed here. At a continued session, held June 6, 1847, the parties in the case of the Admittance being present, and having informed the court that they had no further evidence to produce, the court, after citing the law applicable in the case, condemned the ship Admittance and her cargo as a lawful prize.

The foregoing testimony, having been read over to the witness, was submitted to him for his signature, which here it bears

chored with the usual schooner.

Answer. I should think not; that is to say, if the vessel was anchored?

Question by Captain Peterson. From about the centre of the anchorage of the bay, can a vessel or her spars be seen at low tide?

Answer. Not in the anchorage we occupied when we went in.

Question. When you were close in, could the man at the mast-head make out the anchorage?

Answer. I think it is probable that he could, in consequence of the uncertainty, and a boat into the harbor to ascertain if that was the anchorage, it is, what officer went into the bay, abreast of the Portmouth did stand well into the bay, abreast of some rocks called the Friars, and in sight of a rock on the south-east side of the bay that lies on the beach. Seeing no protection in the anchorage on the south side of the bay, we lowered a boat, and was directed to the beach and examine the soundings and localities; the ship being hove to, to wait the return of the boat. The boat soon disappeared round the point, but shortly after returned, and reported the anchorage safe.

Question. Is, or is not, the anchorage so much shut in by the bluff that makes the harbor, as to render the appearance of the anchorage indistinct?

Answer. I think it is, in consequence of the uncertainty, in consequence of the uncertainty, and a boat into the harbor to ascertain if that was the anchorage, it is, what officer went into the bay, abreast of the Portmouth did stand well into the bay, abreast of some rocks called the Friars, and in sight of a rock on the south-east side of the bay that lies on the beach. Seeing no protection in the anchorage on the south side of the bay, we lowered a boat, and was directed to the beach and examine the soundings and localities; the ship being hove to, to wait the return of the boat. The boat soon disappeared round the point, but shortly after returned, and reported the anchorage safe.

Question. Did not the Portmouth stand close in, and, in consequence of the uncertainty, and a boat into the harbor to ascertain if that was the anchorage, it is, what officer went into the bay, abreast of the Portmouth did stand well into the bay, abreast of some rocks called the Friars, and in sight of a rock on the south-east side of the bay that lies on the beach. Seeing no protection in the anchorage on the south side of the bay, we lowered a boat, and was directed to the beach and examine the soundings and localities; the ship being hove to, to wait the return of the boat. The boat soon disappeared round the point, but shortly after returned, and reported the anchorage safe.

Question. Is, or is not, the anchorage so much shut in by the bluff that makes the harbor, as to render the appearance of the anchorage indistinct?

Answer. I was in Manzanillo in the year 1845, in the U. S. ship Portmouth.

Question by the court. Have you been to the harbor of Manzanillo, and, if you have, in what ship?

Answer. Yes, there are a number of rocks off the point.

Question. Are there not several cliffs on the extremity of the point, so as to make it difficult to see the anchorage?

Answer. Yes, it is, in consequence of the uncertainty, in consequence of the uncertainty, and a boat into the harbor to ascertain if that was the anchorage, it is, what officer went into the bay, abreast of the Portmouth did stand well into the bay, abreast of some rocks called the Friars, and in sight of a rock on the south-east side of the bay that lies on the beach. Seeing no protection in the anchorage on the south side of the bay, we lowered a boat, and was directed to the beach and examine the soundings and localities; the ship being hove to, to wait the return of the boat. The boat soon disappeared round the point, but shortly after returned, and reported the anchorage safe.

Question. Is that spit of land not covered on the top with brush-wood?

Answer. Yes, it is, in consequence of the uncertainty, in consequence of the uncertainty, and a boat into the harbor to ascertain if that was the anchorage, it is, what officer went into the bay, abreast of the Portmouth did stand well into the bay, abreast of some rocks called the Friars, and in sight of a rock on the south-east side of the bay that lies on the beach. Seeing no protection in the anchorage on the south side of the bay, we lowered a boat, and was directed to the beach and examine the soundings and localities; the ship being hove to, to wait the return of the boat. The boat soon disappeared round the point, but shortly after returned, and reported the anchorage safe.